

Agenda item: 01

Staff person handling: Lynn Zanto and Lyle Manley on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Montana Scenic-Historic Byways Program draft rules**

Background

Efforts to develop a Montana scenic byway program began in the 1960s. Although early efforts failed due to concerns about the effect of scenic byway designations on private property rights and highway users, the efforts ultimately succeeded in 1999 when the Montana Legislature gave the Montana Transportation Commission and MDT the authority to develop a Montana scenic-historic byways program (MCA 60-2-602).

However, the commission and MDT were unable to move forward with the development of the program for a number of reasons including Federal Highway Administration (FHWA) concerns about statutory language related to private property protections and federal outdoor advertising laws.

In 2003, in response to an offer of assistance by the Montana Tourism Advisory Council (TAC), the commission agreed to move forward with a limited program subject to several conditions including limiting routes entirely to those adjacent to either public or tribal lands.

The effort approved by the commission involved the development of initial program guidelines by a scenic-historic byways advisory council that included several TAC members and a representative from MDT. These guidelines were presented to the Transportation Commission on April 27, and they requested several changes. Since then, MDT staff has worked with the secretary of state's office to develop the rules in the required format and complete the formal rulemaking process.

Summary

The attached draft rules, which are consistent with the commission's direction and Montana laws, describe a limited two-tiered program that requires commission approval of actual route designations.

The formal public hearing for the draft rules took place on November 29. MDT staff will provide the commission with a summary of comments received at and immediately following the hearing.

If the commission approves the rules, MDT will transmit the rules to the Secretary of State for publication in early 2005.

Staff recommendations

Staff recommends the commission approve the draft rules.

Notes/discussion

Commission action

Montana Code Annotated 2003

60-2-602. Scenic-historic byways program -- rules. (1) The department shall adopt rules to effectively administer the scenic-historic byways program. The rules must include the criteria that will be considered for designating a road for inclusion in the scenic-historic byways program.

(2) In developing the criteria, to be included in the rules, for designating a road for inclusion in the scenic-historic byways program, the advisory council, commission, and department shall specifically address:

(a) factors that allow each locality choosing to participate in or seeking participation in the scenic-historic byways program the opportunity to:

- (i) enhance the experience of the traveling public;
- (ii) stimulate or allow for economic development and new marketing strategies; or
- (iii) preserve intrinsic resources for the benefit of future generations;

(b) a methodology by which a locality choosing to participate in or seeking participation in the scenic-historic byways program may participate in the national scenic byways program, described in section 1047 of Public Law 102-240;

(c) means by which a road may be excluded from designation as a scenic-historic byway by:

- (i) an incorporated municipality for a road or segment of a road within its jurisdiction; or
- (ii) a landowner for a road or segment of a road adjacent to the landowner's private property;

(d) factors to be considered in assessing the intrinsic, scenic, historic, recreational, cultural, archaeological, educational, or natural qualities of the road nominated for inclusion in the scenic-historic byways program;

(e) factors to be considered in a locality's corridor management plan, including that the plan:

(i) serves as a visioning tool to provide direction for enhancing and marketing the corridor, but not as a land management document, zoning tool or mandate, highway improvement scoping or prioritization document, or highway management document;

(ii) accommodates commerce and commercial vehicles and maintains a safe and efficient level of highway services;

(iii) protects private property rights, including assurances that the private property rights of a person who owns land adjacent to or visible from the road are not in any way diminished by the road being designated a scenic-historic byway or are accommodated through mutually agreeable compensation;

(iv) precludes the locality having adopted the corridor management plan from establishing goals or commitments outside the locality's jurisdiction; and

(v) has accommodated all jurisdictions affected or to be affected by the designation of a road as a scenic-historic byway; and

(f) procedures to ensure that localities choosing to participate in the scenic-historic byways program:

(i) may exclude from designation any segment of a highway that is inconsistent with the state's criteria for designating scenic-historic byways. Within an excluded segment, a locality may allow off-premises advertising in the form of billboards or painted signs, subject to applicable federal, state, or local laws.

(ii) may use signage recognized as exceptions or as information signs in all areas along a designated route, provided that the signage complies with 23 U.S.C. 131, Title 60, chapter 5, part 5, Title 75, chapter 15, part 1, and all applicable state or locally adopted rules, requirements, and restrictions.

RULE II ADVISORY COUNCIL (1) The commission shall appoint an advisory council for the scenic-historic byways program.

(2) The advisory council shall:

(a) assist the department and the commission in designing the program;

(b) review applications for nominating roads to the scenic-historic byways program; and

(c) recommend to the commission roads that should be included in or deleted from the scenic-historic program.

AUTH: 60-2-602, MCA

IMP: 60-2-601 and 60-2-602, MCA

RULE III MONTANA SCENIC-HISTORIC BYWAYS (1) Montana's scenic-historic byways program will have two tiers of designation:

(a) Improved and paved roads that accommodate two-wheel drive vehicles would be designated as Montana byways.

(b) Less improved roads that may require four-wheel drive or high clearance vehicles would be designated as Montana backways.

AUTH: 60-2-602, MCA

IMP: 60-2-601 and 60-2-602, MCA

RULE IV SCENIC-HISTORIC BYWAY NOMINATION (1) In order for a roadway to be nominated as a scenic-historic byway, local government must prepare an application that follows the rules and procedures provided by the Montana department of transportation by the date specified for submittal each year.

(2) The application must adhere to the requirements for scenic-historic byway designations.

AUTH: 60-2-602, MCA

IMP: 60-2-601 and 60-2-602, MCA

RULE V REQUIREMENTS OF SCENIC-HISTORIC BYWAY DESIGNATION (1) The commission may designate roads to be included as part of the programs and may add or delete roads from the program.

(2) The commission may not designate a road as a scenic-historic byway without the concurrence of the affected local governments and the agencies responsible for maintenance and operation of the road.

(3) All land abutting the scenic-historic byway must be either in public or tribal ownership.

(4) The application shall contain an explanation of the manner in which the byway meets one or more of the intrinsic qualities. In addition, in the application the local government shall set forth, to the extent possible, how the scenic-historic byway designation will:

(a) enhance the experience of the traveling public;

(b) stimulate or allow for economic development and new marketing strategies; and

(c) preserve intrinsic resources for the benefit of future generations.

(5) The proposed scenic-historic byway must possess at least one of the following intrinsic qualities:

- (a) scenic;
- (b) natural;
- (c) historic;
- (d) cultural;
- (e) archeological; or
- (f) recreational.

(6) The proposed scenic-historic byway must be an existing road that can safely accommodate expected traffic volumes.

(7) The proposed designation must have concurrence and approval of the application from local governments and agencies with jurisdiction of the road and adjacent to the road.

(8) The application shall contain a conceptual plan. This conceptual plan for the corridor shall describe the process in which a corridor plan is to be developed. The components to be included in the conceptual plan are how the nominating organization proposes to:

- (a) enhance and protect the scenic-historic byway;
- (b) develop essential services; and
- (c) promote and market the byway on the local and regional level. A corridor management plan may be substituted for the conceptual plan.

(9) A corridor management plan must be developed or in development within two years of a scenic-historic byway designation. A scenic-historic byway will not be signed or indicated on the state tourism map until the corridor management plan is complete. The corridor management plan shall:

- (a) serve as a visioning tool to provide direction for enhancing and marketing the corridor, but not as:
 - (i) a land management document;
 - (ii) zoning tool or mandate;
 - (iii) highway improvement scoping or prioritization document; or
 - (iv) highway management document;
- (b) accommodate commerce and commercial vehicles;
- (c) maintain a safe and efficient level of highway services;

(d) preclude the locality having adopted the corridor management plan from establishing goals or commitments outside the locality's jurisdiction; and

(e) accommodate all jurisdictions affected or to be affected.

(10) A scenic-historic byway should be as continuous as possible, however all government entities shall have the right to require that a portion of a proposed scenic-historic byway abutting in their jurisdiction be excluded from designation.

(11) Each scenic-historic byway must have a management group to provide long-term oversight and marketing for the road.

(12) The proposed route must be recommended by the advisory council for final approval by the commission.

AUTH: 60-2-602, MCA

IMP: 60-2-601 and 60-2-602, MCA

RULE VI NOMINATION OF MONTANA STATE BYWAY DESIGNATIONS FOR NATIONAL DESIGNATION (1) Once a road is designated and signed as a Montana scenic-historic byway, local government officials can nominate the road for designation as a national scenic byway or all-American road by completing the requirements for nomination provided by the United States department of transportation.

(2) National designation applications must be submitted to the Montana scenic-historic byways coordinator to be approved by the Montana transportation commission and forwarded to the federal highway administration.

AUTH: 60-2-602, MCA

IMP: 60-2-601 and 60-2-602 MCA

RULE VII REMOVAL OF MONTANA STATE BYWAY DESIGNATION

(1) The two circumstances that allow for a scenic-historic byway to be removed from designation are:

(a) voluntary removal when local government no longer wants its designation; and

(b) nonconformance removal when the scenic-historic byway loses the intrinsic values specified in original nomination for designation.

(2) Removal of scenic-historic byway designation requires: (a) local governments and stakeholders to follow steps and procedures provided by the Montana department of transportation; and

(b) a recommendation of removal by the advisory council for final approval by the Montana transportation commission.

AUTH: 60-2-602, MCA

IMP: 60-2-601 and 60-2-602 MCA

4. The proposed new rules are necessary to provide guidance and overall direction concerning the Montana scenic-historic byways program. The rules allow for a quality-oriented program that encourages the development of long-term benefits in planning, management, and commitment to scenic-historic byways. New Rule I contains information and descriptions of the potential parties involved with scenic-historic byways. New Rule II defines the advisory council's role and duties. New Rule III provides for the development of a program that allows for alternative opportunities to explore scenic drives. New Rule IV encourages proactive local government involvement with a proposed scenic-historic byway. New Rules V and VI provide

the requirements for designation of scenic-historic routes, locally and nationally, that will aid in promoting and enhancing the experiences of the traveling public in Montana and possibly stimulate economic development. New Rule VII aids in maintenance of the scenic-historic byway integrity by allowing routes to be dropped voluntarily or when the route no longer meets designation requirements. All of the new rules will assist the transportation department with providing a quality transportation system.

5. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Sandra Straehl, Department of Transportation, P.O. Box 201001, Helena, MT 59620-1001; telephone: (406) 444-7692; TDD (406) 444-7696; fax: (406) 444-7671; or e-mail sstraehl@state.mt.us and must be received no later than December 3, 2004.

6. Timothy W. Reardon has been designated to preside over and conduct the hearing.

7. The Department of Transportation maintains a list of interested persons who wish to receive notices of the rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding rules proposed by the Administration Division, Aeronautics Division, Highways and Engineering Division, Maintenance Division, Motor Carrier Services Division, and/or Rail, Transit and Planning Division. Such written request may be mailed or delivered to the Montana Department of Transportation, Legal Services, 2701 Prospect Ave., P.O. Box 201001, Helena, MT 59620-1001; faxed to the office at (406) 444-7206; e-mailed to lmanley@state.mt.us; or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

MONTANA TRANSPORTATION COMMISSION

By: /s/ Shiell Anderson .
Shiell Anderson, Chairperson

By: /s/ Lyle Manley .
Lyle Manley, Rule Reviewer

Certified to the Secretary of State October 25, 2004.

Agenda item: 02

Staff person handling: Nick Rotering or Pat Hurley

Date/location: December 10, 2004 in Helena, MT

Item: **Notice of adoption and amendment of outdoor advertising rules**

Background

The proposed outdoor advertising rule changes were presented in draft to the commission on April 27, 2004 meeting in Butte. The commission authorized MDT to proceed to finalize the proposed changes pursuant to the rule making process of the Montana Administrative Procedures Act (MAPA).

- The proposed rule changes were published on September 23, 2004 in the Montana Administrative Register (MAR).
- The public hearing was held in Helena on October 18, 2004.
 - Three witnesses for the public and outdoor sign industry testified, as well as staff of the department.
 - Two written comments were also received.
 - The oral and written comments, along with the agency's responses, are listed in the proposed notice (attached).

Summary

Minor changes have been suggested. Some comments were incorporated into the rules and others were not for various reasons as stated in the notice of adoption

Staff recommendations

Staff recommends acceptance of the adoption and amendment of the outdoor advertising rule changes.

Notes/discussion

Commission action

BEFORE THE TRANSPORTATION COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption)	
of New Rules I and II, amendment)	NOTICE OF ADOPTION,
of ARM 18.6.202, 18.6.203,)	AND AMENDMENT
18.6.211, 18.6.212, 18.6.213,)	
18.6.242, 18.6.245, and 18.6.262,)	
concerning Outdoor Advertising)	

TO: All Concerned Persons

1. On September 23, 2004, the Montana Department of Transportation published MAR Notice No. 18-106 pertaining to the public hearing on the proposed adoption, and amendment of the above-stated rules relating to Outdoor Advertising, at page 2126 of the 2004 Montana Administrative Register, issue number 18. The public hearing was held on October 18, 2004, in Helena.

2. The Department of Transportation has adopted rule I (18.6.232) and rule II (18.6.264) as proposed.

3. The Department of Transportation has amended ARM 18.6.212, 18.6.242, 18.6.245, and 18.6.262 as proposed.

4. The Department of Transportation has amended ARM 18.6.202, 18.6.203, 18.6.211, and 18.6.213 with the following changes, stricken matter interlined, new matter underlined.

18.6.202 DEFINITIONS (1) remains as proposed.

(2) "Commercial electronic variable message signs" means signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or the characteristics of one or more of the following classifications:

(a) flashing signs are animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as, more than, or less than the period of no illumination;

(b) remains as proposed.

(c) environmentally activated signs are animated signs or devices motivated by wind, thermal changes or other natural environmental input, including spinners, pinwheels, pennant strings, reflective disks, rotating slates, glow cubes and/or other devices or displays that respond to naturally occurring external motivation to include light-sensitive devices;

(d) remains as proposed.

(3) "Commercial or industrial activity" means an activity which is permitted only in a commercial or industrial zone or a less restrictive zone by the nearest zoning authority within the state ~~or, if prohibited by the authority, is generally recognized as commercial or industrial activity by other zoning authorities within the state~~, except that none of the following is a commercial or industrial activity:

(a) remains as proposed.

(b) any agricultural, forestry, ranching, grazing, farming or related activity, or operation of a wayside stand for sale of fresh fruit, their products, or produce;

(c) through (12) remains as proposed.

18.6.203 UNZONED COMMERCIAL OR INDUSTRIAL ACTIVITY

(1) As clarification of the statutory requirements, the following criteria shall be used to determine whether an activity qualifies an area to be considered unzoned commercial or industrial:

(a) through (c) remains as proposed.

(d) A maximum of two signs shall be permitted from a qualifying activity, and they shall be located on the same side of and adjacent to the controlled highway of the qualifying activity. ~~There can be no roadways between the controlled highway and the qualifying business.~~

(e) through f) remains as proposed.

18.6.211 PERMITS (1) through (4) remains as proposed.

(5) Signs shall be assigned a permit number and given a permanent identification plate that must be attached to the structure and may be renewed every three years thereafter upon payment of a renewal fee as follows:

(a) 20 cents per square foot ~~+~~ for signs 376 feet or more;

(b) (b) if the sign structure has multiple sign faces, the renewal fee is based on the total square footage of the sign area; ~~and or~~

(c) through (7) remains as proposed.

18.6.213 PERMIT ATTACHMENT (1) remains as proposed.

(2) The permit plate shall be attached to the sign or the supporting structure near the lower left corner of the sign (or supporting pole/beam) facing the traffic. The permit plate must be visible from the roadway.

(3) through (5) remains as proposed.

5. The Department has thoroughly considered all commentary received. The comments received and the department's response to each follow:

Comment 1: Paul Dennehy of Lamar Outdoor Advertising made a comment on new proposed Rule I, which was also submitted by e-mail to Larry Johns on October 22, 2004. Tri-vision signs, or signs which are characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means, maybe be permitted on a case by case basis with the approval of the department.

Response: After legal review, it is entirely possible that such new technology is permissible under the present federal guidelines and the existing Federal - State Agreement. However, to make this change to new rule I in this manner could be viewed as depriving other members of the public from having an opportunity to comment on this proposal. It is recommended that either the department or the outdoor advertising sign industry ask the Transportation Commission to consider such a rule, in the future.

Comment 2: Paul Dennehy of Lamar Outdoor Advertising made an addition comment by e-mail on October 22, 2004 regarding rule 18.6.203 (d). Mr. Dennehy proposed that the last sentence be eliminated to avoid confusion.

Response: The department agrees with that comment and will rewrite the proposed changes to make the wording clearer.

Comment 3: Paul Dennehy of Lamar Outdoor Advertising asked in Rule 18.6.213(5) why was \$20.00 used for the replacement fee.

Response: Pat Hurley of the department explained that it cost the agency \$15.50 to have a new permit plate made and with additional handling charges, the department believes the \$20.00 fee as justified.

Comment 4: Rich Munger, private citizen made a comment on two errors. In proposed Rule 18.6.202, "slats" was misspelled; and in Rule 18.6.213 he suggested that the word "plate" be inserted.

Response: The department agrees with Mr. Munger's comments and will make the changes suggested.

Comment 5: Don Vanica, Billings District Right-of-Way, commented on rule 18.6.203(d), that the proposed wording was not clear in the last sentence.

Response: Mr. Vanica's comment is similar to Comment No. two of Paul Dennehy and the department agrees and will rewrite the wording.

Comment 6: No other oral comments were made at the public hearing. However, prior to the hearing, the department had received a written document from SAVE's Board which was admitted into the record. The SAVE Board supported the new rule I on Variable Messages Signs and new rule II on enforcement. The SAVE Board also made three suggested changes to Rules 18.6.211, 18.6.202, and 18.6.245.

Response: The department concurs with the suggestions by SAVE for the first two rules and will incorporate these into the changes. However, the department disagrees that the suggest change to rule 18.6.245 (3) be limited to 100 square feet rather than the 150 square feet which is being proposed. The reason is that studies conducted by the department with local officials supports the 150 square feet sign size.

6. The department and commission acknowledge and thank the proponents for their comments.

TRANSPORTATION COMMISSION

Shiell Anderson

Lyle Manley, Attorney

Chair

Rule Reviewer

Certified to the Secretary of State, January 3, 2005.

BEFORE THE TRANSPORTATION COMMISSION
OF THE STATE OF MONTANA

In the matter of the)	NOTICE OF PUBLIC
adoption of new rules I and)	HEARING ON PROPOSED
II; and the amendment of ARM)	ADOPTION AND AMENDMENT
18.6.202, 18.6.203,)	
18.6.211, 18.6.212,)	
18.6.213, 18.6.242,)	
18.6.245, and 18.6.262)	
pertaining to outdoor		
advertising		

TO: All Concerned Persons

1. On October 18, 2004, at 10:00 a.m., a public hearing will be held in room 123, auditorium of the Department of Transportation building at 2701 Prospect Avenue, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Transportation Commission will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on October 12, 2004, to advise us of the nature of the accommodation that you need. Please contact Larry Johns, P.O. Box 201001, Helena, MT 59620-1001; telephone: (406) 444-6064; fax: (406) 444-7254; e-mail: ljohns@state.mt.us.

3. The proposed new rules provide as follows:

RULE I COMMERCIAL ELECTRONIC VARIABLE MESSAGE SIGNS

(1) Off-premise commercial electronic variable message signs, regardless of the message, are prohibited in controlled areas.

AUTH: 75-15-121, MCA

IMP: 75-15-111, 75-15-113, MCA

REASON: Adoption of the new rule is necessary because the requirement has never been clearly addressed in the rules although it is a requirement in the Code of Federal Regulations (CFR).

RULE II ILLEGAL OUTDOOR ADVERTISING REMOVAL (1) When the department removes a sign, the sign owner, landowner or other person responsible for erecting the sign shall pay the cost of removal to the department. The department will store the sign for 30 days immediately following removal, during which time the sign may be claimed upon payment of the cost of removal and any costs associated with the

removal and storage of the sign and collection of the cost of removal.

(2) A sign that is not claimed within 30 days after removal shall be deemed the property of the department, and may be disposed of by the department. Any money received from the disposal will be credited first towards the costs of removal and storage of the sign. Money in excess of such costs will be deposited with the state treasurer for credit to the state highway fund to offset the cost of issuing permits for signs. If the income generated from disposal of the sign does not meet or exceed the costs of removal and storage of the sign and the cost of collecting the cost of removal, the owner of the sign, landowner or other person responsible for erecting the sign shall pay the remaining costs.

AUTH: 75-15-121, MCA

IMP: 75-15-131, MCA

REASON: Sign removal is addressed in Chapter Nine of the Right-of-Way manual, which has no force of law. Additionally, the procedure has been changed. The CFR requires that the states have a legal provision for the removal of illegal signs. This new rule brings the Montana Department of Transportation into compliance with the CFR.

4. The following rules proposed to be amended provide as follows, matter to be added is underlined, matter to be deleted is interlined.

18.6.202 DEFINITIONS (1) "Advertising device" means any outdoor sign, display, device, figure painting, drawing, message, placard, poster, billboard, structure, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising and having the capacity of being visible from the main traveled way of any interstate or federal-aid primary highway. This includes any device located outside or on the outside of any building which identifies or advertises any business, enterprise, organization or project, product or service, including all parts such as frames and supporting structures located on any premises by means of painting on or attached bills, letters, numerals, pictorial matter or electric or other devices including any airborne device tethered to any building, structure, vehicle or other anchor and an announcement, notice, directional matter, name, declaration, demonstration, display, mural or insignia, (monuments, gravestones and dedication markers are not considered advertising devices). Advertising device is synonymous with sign.

(2) "Commercial electronic variable message signs" means signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, producing the illusion of movement by means of electronic,

electrical or electro-mechanical input and/or the characteristics of one or more of the following classifications:

(a) flashing signs are animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of no illumination;

(b) patterned illusionary movement signs are animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion;

(c) environmentally activated signs are animated signs or devices motivated by wind, thermal changes or other natural environmental input, including spinners, pinwheels, pennant strings, reflective disks, rotating slates, glow cubes and/or other devices or displays that respond to naturally occurring external motivation to include light-sensitive devices;

(d) mechanically activated signs are animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

(3) "Commercial or industrial activity" means an activity which is permitted only in a commercial or industrial zone or a less restrictive zone by the nearest zoning authority within the state or, if prohibited by the authority, is generally recognized as commercial or industrial activity by other zoning authorities within the state, except that none of the following is a commercial or industrial activity:

(a) any erection or maintenance of an outdoor advertising structure;

(b) any agricultural, forestry, ranching, grazing, farming or related activity, or operation of a wayside stand for sale of fresh fruit;

(c) any activity normally and regularly in operation less than three months of the year;

(d) any transit or temporary activity;

(e) any activity not visible from the traffic lanes of the main traveled way;

(f) any activity more than 660 feet from the nearest edge of the right-of-way;

(g) any activity conducted in a building principally used as a residence;

(h) any operation of railroad tracks, a minor siding or a passenger depot;

(i) any activity that has been in business less than one year.

+2+ (4) "Conforming sign" means one which was lawfully erected and which complies with spacing, zoning, size,

lighting and all other requirements under the Outdoor Advertising Act and the outdoor advertising regulations.

~~(3)~~ (5) "Federal/state agreement" means the agreement entered into January 27, 1972, by and between the United States of America, represented by the secretary of transportation and the state of Montana, through ~~its~~ the department of transportation to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the national policy to protect the public investment in interstate and primary highways, to promote the safety and recreational value of public travel and to preserve the natural beauty. At a minimum the state of Montana shall implement and carry out the provisions of 23 USC 131, and the national policy in order to remain eligible to receive the full amount of all federal-aid highway funds apportioned under 23 USC 104.

~~(4)~~ (6) "Main traveled way" means the interstate and federal-aid primary highway system on which through traffic is carried.

~~(5)~~ (7) "Noncommercial sign" means a sign that does not display a commercial message. For the purpose of this rule, only "welcome to" community and "public service" signs such as D-A-R-E- or ABATE are considered noncommercial signs. The Montana department of transportation shall make the determination of a noncommercial sign designation on a case-by-case basis.

~~(6)~~ (8) "Nonconforming sign" means one which was lawfully erected but which does not comply with the provisions of state law or state regulations passed at a later date, or which fails to comply with state law or state regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.

~~(7)~~ (9) "Off-premise signs" means all signs which are not on-premise signs as defined in ~~(8)~~(10).

~~(8)~~ (10) "On-premise sign" means signs erected on property for the sole purpose of advertising its sale or lease or of advertising an activity conducted on the property. Physical facts rather than property lines determine the premises on which an activity is conducted ~~t~~To qualify as an on-premise sign, a sign advertising an activity conducted on the property must be located on the land actually used or occupied by the activity. The extent of the property used for the activity includes its buildings, parking area and incorporated landscaped areas, but does not include vacant land, land used for unrelated activities, or land that is separated by other ownerships or roadways. The sign must be located on the same premises as the activity or property advertised. Premises include the area occupied by the buildings and appurtenances such as parking lots, storage areas, processing areas or areas for the physical uses that are customarily incidental to the activity, including open spaces arranged and designed to be used in connection with the buildings or activities,

but does not include vacant land, land used for unrelated activities, or land that is separated by other ownerships or roadways. The purpose of the advertising sign must be the identification of the establishment or activity located on the premises or its products or services, or the sale or lease of the property on which the sign is located. If the activity is over 660 feet from the nearest point of the highway and is accessed by an approach and road from the highway, any sign, landscaped area or other appurtenance associated with the activity that is adjacent to the approach and access road shall not be used to qualify off-premise signs.

~~(9)~~ (11) "Sign face" means that portion of the sign structure visible from a single direction of travel and available for advertising. It includes border and trim, but excludes the base or apron, supports, and other structural members. The total area of all sign faces may also be referred to as the "sign area."

~~(10)~~ (12) "Sign structure" means an advertising device including the sign face, base or apron, supports, and other structural members.

AUTH: 75-15-121, MCA

IMP: 75-15-121, 75-15-111, 75-15-112, and 75-15-113,
MCA

REASON: Changes in the definitions rule were done to clarify some definitions that have caused disputes with reference to prior interpretations.

18.6.203 UNZONED COMMERCIAL OR INDUSTRIAL ACTIVITY

(1) As clarification of the statutory requirements, the following criteria shall be used to determine whether an activity qualifies an area to be considered unzoned commercial or industrial:

(a) The permanent buildings or improvements comprising a business used to qualify an area must be located within 660 feet of the right-of-way of an interstate or primary highway. A business located on what is primarily used as residential property will not qualify an area as an unzoned commercial or industrial area. Commercial and industrial activities shall have been in business at least one year prior to being considered as qualifying the area as an unzoned commercial or industrial area.

(b) The permanent buildings or improvements comprising a business intended to serve the traveling public must be clearly visible to the traveling public and be easily recognizable as a commercial ~~or industrial~~ activity. A commercial activity shall be occupied and open to the public during regularly scheduled hours in excess of 20 hours per week. ~~Commercial and industrial activities shall have been in business at least one year prior to being considered as qualifying the area as an unzoned commercial or industrial area.~~ Signs, displays or other devices

identifying the business may be considered in the determination of visibility. ~~A business located on what is primarily used as residential property will not qualify an area as an unzoned commercial or industrial area.~~ Seasonal (but not temporary or transient) activities may be considered as a qualifying activity at the discretion of the Montana department of transportation. Industrial activities comprise the area occupied by the regularly used buildings, parking lot or storage or processing area of an industrial activity located within 660 feet of an interstate or primary highway not predominantly used for commercial purposes.

(c) If the activity is over 660 feet from the nearest point of the highway, and is accessed by an approach and road from the highway, any sign, landscaped area or appurtenance associated with the activity adjacent to the approach and access road shall not be used to qualify off-premise signs.

(d) A maximum of two signs shall be permitted from a qualifying activity, and they shall be located on the same side of and adjacent to the controlled highway as of the qualifying activity. There can be no roadways between the controlled highway and the qualifying business.

(e) No industrial or commercial activity which is located either partially or totally within an area which has been zoned by a bona fide state, county, or local zoning authority may be used to qualify an area as an unzoned commercial or industrial area.

(f) A commercial or industrial activity engaged in or established primarily for the purpose of qualifying an area for the displaying of outdoor advertising will not create an unzoned commercial or industrial area. It shall be rebuttably presumed that any such activity is for the primary purpose of qualifying an area for outdoor advertising if the activity is not reasonably accessible to the public, if it is not connected to one or more utilities, or if no business is actually conducted on the premises.

AUTH: 75-15-121, MCA

IMP: 75-15-103, 75-15-111, and 75-15-113, MCA

REASON: State law requires that the Administrative Rules be reviewed periodically. The changes are reasonably necessary to reflect editorial changes and to clarify the distinct activities which make an area commercial or industrial.

18.6.211 PERMITS (1) A permit must be obtained for each sign ~~and the application for the permit must be accompanied by a nonrefundable initial application fee. The application fee is based on the maximum width times the maximum length of the sign face. If the sign has multiple~~

~~faces, the initial application fee will be determined by the square footage of the largest single sign face.~~

32 sf or less	\$20
33 sf to 64 sf.	\$25
65 sf to 128 sf	\$30
129 sf to 256 sf.	\$35
257 sf to 512 sf.	\$40
513 sf to 672 sf.	\$45

~~(2) The initial permit fee shall be 24/36 of the three year renewal fee plus 1/36 of said renewal fee for each full month remaining in the calendar year following application approval. A check payable to the Montana department of transportation in the amount of the nonrefundable inspection fee must accompany the sign permit application.~~

~~(3) Signs shall be assigned a permit number and given a permanent identification plate that must be attached to the structure and may be renewed every three years thereafter upon payment of a renewal fee as follows:~~

~~(a) \$10 for signs with a face(s) of 50 square feet or less;~~

~~(b) 20 cents per square foot for signs that have face(s) exceeding 51 square feet. If the sign structure has multiple sign faces, the renewal fee is based on the total square footage of the sign area. A nonrefundable inspection fee in the amount of \$100.00 will be assessed for each off-premise outdoor advertising sign erected within any area subject to state control by the department.~~

~~(4) Permits for new signs in conforming areas may be issued only after the proposed location and sign size has been checked in regard to spacing, size and lighting criteria and approved by the department. The initial permit fee shall be 24/36 of the three-year renewal fee plus 1/36 of said renewal fee for each full month remaining in each calendar year following application approval.~~

~~(5) A new sign may not be erected without first receiving a new permit. Signs shall be assigned a permit number and given a permanent identification plate that must be attached to the structure and may be renewed every three years thereafter upon payment of a renewal fee as follows:~~

~~(a) 20 cents per square foot;~~

~~(b) if the sign structure has multiple sign faces, the renewal fee is based on the total square footage of the sign area; and~~

~~(c) \$75.00 for signs with a face(s) of 375 square feet or less.~~

~~(6) Permits for new signs in conforming areas may be issued only after the proposed location and sign site has been checked in regard to spacing, size and lighting criteria and approved by the department.~~

~~(7) A new sign may not be erected without first applying for and receiving a permit.~~

AUTH: 75-15-121, MCA

IMP: 75-15-122, MCA

REASON: Costs of operation, and a rise in costs to the department for permit plates dictated that the Agency raise fees. Additionally the fee structure was so complex for the general public to understand, that the Agency set a standard flat rate for the nonrefundable application fees to cover the costs of site inspections. Ten percent or 371 permits of the total population of the OAC permits in Montana are estimated to be affected. The revenue generated from the change in fees cannot be estimated.

18.6.212 PERMIT APPLICATIONS - NEW SIGN SITES

(1) Applications for permits must contain a minimum of the following:

(a) name, address, and signature of sign owner and land owner;

(b) location of proposed sign including highway number, nearest milepost, side of highway, county, and distance and direction to nearest sign;

(c) acknowledgement of zoning, if any, by local authority;

(d) signature of appropriate ~~zoning~~ local government authority;

(e) description of structure including width of sign, height of sign, height of structure, type of sign (single-faced, double-faced, v-type, multi-faced), lighted (yes/no), and estimated cost of construction to include labor and material; and

(f) landowner consent.

(2) Applications for permits must be accompanied by the following:

(a) sketch of the area to include the legal description of the proposed sign location; and

(b) non-refundable application fee.

(3) ~~Applicant shall place a stake or some other identifying object at the proposed sign location to assist department personnel in finding the proposed sign site.~~ The applicant must clearly mark the exact location of the proposed sign site to enable department personnel to perform the required site inspection.

AUTH: 75-15-121, MCA

IMP: 75-15-122, MCA

REASON: This rule was incomplete with the need to give adequate information so that departmental personnel could find the proposed sign sites to do the required site inspections. Additionally, the Agency was not given adequate information on land descriptions in order to find the landowner. We included the requirement to give adequate land descriptions.

18.6.213 PERMIT ATTACHMENT (1) It is the responsibility of the sign owner to see that the proper permit is continuously attached to the sign or device for which it was issued.

(2) The permit shall be attached to the sign or the supporting structure near the lower left corner of the sign (or supporting pole/beam) facing the traffic. The permit plate must be visible from the roadway.

(3) Permits which are affixed to the wrong sign or are otherwise in violation of requirements may be canceled by the department if the deficiency continues for more than 30 days.

(4) If the department cancels a permit, the sign for which the permit was issued becomes an illegal sign and must be removed.

(5) If the original permit plate has been lost or destroyed, a substitute permit plate may be obtained from the department upon payment of a ~~\$10.00~~ \$20.00 fee.

AUTH: 75-15-121, MCA

IMP: 75-15-122, MCA

REASON: This is a clarification which is reasonably necessary to indicate where the permit plate needs to be placed on the sign. The fee increase is due to the reasons stated in the changes to ARM 18.6.211. Ten percent or 371 permits of the total population of the OAC permits in Montana are estimated to be affected. The revenue generated from the change in fees cannot be estimated.

18.6.242 RANCH AND RURAL DIRECTIONAL SIGNS (1) In rural residential areas, slat-type directory signs are allowed at the outer edge of the right-of-way of the intersecting roadway, giving the name only. Each slat is not to exceed 8" x 36".

(2) In cases where operations do not abut the highway, but have access via a non-public access road across other ownerships, directional signs may be located along this roadway leading to the operation, may bear the name of the operation or owner and distance to headquarters, but shall include no advertising.

(3) Ranch and rural directional signs may only be erected along the federal-aid primary highway system. The message content on rural directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the activity, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations further describing the activity or its environs are prohibited.

(4) The signs shall not:

(a) ~~not~~ be erected or maintained within the highway right-of-way;

(b) ~~not~~ be erected or maintained if they exceed 32 square feet in area, including border and trim, but excluding base or apron, supports and other structural members; or

(c) ~~not~~ exceed 12 feet in length.

(5) The maximum height of the sign structure, including the sign face, is 30 feet measured at a right angle from the surface of the roadway at the centerline of the primary highway.

(6) A permit must be obtained for each sign accompanied by a nonrefundable application fee as set forth in ARM 18.6.211(1). The renewal fee for the ranch and rural directional signs required by ARM 18.6.211(2) is waived.

(7) Not more than one ranch sign may be erected which is visible to traffic proceeding in any one direction on any primary highway and advertising activities being conducted upon the real property, including ranching, grazing, and farming activities.

AUTH: 75-15-121, MCA

IMP: 75-15-111 and 75-15-121, MCA

REASON: Clarification to bring rule into compliance with the CFR. This amendment is reasonably necessary to reflect current changes to the CFR and recognizes the growing concern by rural Montanans that activities were being unreasonably restricted in being able to alert the public as to their location and activity conducted on their property.

18.6.245 NONCOMMERCIAL SIGNS (1) If a noncommercial sign is located on property of the owner of the sign, it shall be considered to be an on-premise sign and not subject to the provisions of this rule.

(2) ~~"Welcome to" community signs shall:~~ A noncommercial sign of a local government may be erected anywhere adjacent to an interstate and primary highway within its jurisdiction, except in a scenic area or parkland, so long as the sign does not create a safety hazard to the traveling public.

~~(a) not be erected or maintained that exceed 100 square feet in area, including border and trim, but excluding base or apron, supports and other structural members;~~ A noncommercial sign will not be considered in determining the spacing required between conforming outdoor advertising signs located off premises.

~~(b) not exceed 12 feet in length;~~ Local government may erect, within the limits of their jurisdiction, noncommercial signs welcoming travelers and describing the services and attractions available but may not advertise private business or brand names.

~~(c) not exceed 30 feet in height when measured at a right angle from the surface of the roadway at the centerline of the interstate or primary highway;~~ Not more

than one noncommercial sign welcoming visitors or providing information about a community is allowed on each highway entering the community, subject to federal and state outdoor advertising control (OAC) rules.

~~(d) not exceed more than two signs for each community and may not be located more than one mile from the outer edge of the community.~~

~~(3) "Welcome to" community signs may be placed outside of zoned and unzoned commercial or industrial areas, except they may not be placed in public forest, public playgrounds, and designated scenic areas. A noncommercial "welcome to" community sign shall not exceed 150 square feet in size.~~

(4) "Public service" signs shall not:

(a) ~~not~~ be erected or maintained that exceed 32 square feet in area, including border and trim, but excluding base or apron, supports and other structural members;

(b) ~~not~~ exceed 10 feet in length;

(c) ~~not~~ exceed 15 feet in height when measured at a right angle from the surface of the roadway at the centerline of the interstate or primary highway;

(d) ~~not~~ be placed outside of zoned or unzoned commercial or industrial areas.

(5) A permit must be obtained for each sign accompanied by a nonrefundable application fee as set forth in ARM 18.6.211~~(1)~~. The renewal fee for noncommercial signs required by ARM 18.6.211~~(2)~~ is waived.

AUTH: 75-15-121, MCA

IMP: 75-15-111, MCA

REASON: To come into compliance with the CFR and make this rule more community friendly. There is a reasonable necessity for the amendment of this rule to clarify the need of local communities to advise the public of their location.

18.6.262 SIGN STRUCTURES THAT ARE BLANK, ABANDONED OR IN DISREPAIR (1) Sign structures that have no face or have faces without 100% ~~percent~~ advertising copy shall be considered blank. Blank is defined as all faces not leased, rented or otherwise occupied by an advertising or public service message. The sign owner is not prohibited from noticing the sign for rent or lease, however, for the purposes of this rule, the sign shall be considered blank while being noticed for rent or lease.

(2) Sign structures are considered abandoned if the sign structure:

(a) has not been erected~~;~~i

(b) has been removed~~;~~i and

(c) the sign owner fails to pay the appropriate sign fees.

(3) The department may determine a sign is in disrepair if the structure is unsafe or if the sign face is

unreadable or not visible to the ~~travelling~~ traveling public.

(4) When a sign has been blank, abandoned, or in disrepair for a period of six continuous months, the department shall notify the sign owner of the violation and require remedial action within 45 days. If such action is not taken, the permit will be canceled and action for the removal of the sign will be taken as provided in 75-15-131, MCA.

AUTH: 75-15-121, MCA

IMP: 75-15-111, 75-15-113, and 75-15-121, MCA

REASON: State law requires that the Administrative Rules be reviewed periodically. Misspelling and punctuation were corrected.

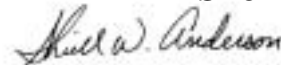
5. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Larry Johns, Right-of-Way Bureau, P.O. Box 201001, Helena, MT 59620-1001; or emailed to ljohns@state.mt.us and must be received no later than October 22, 2004, at 5:00 p.m.

6. Timothy W. Reardon has been designated to preside over and conduct the hearing.

7. The Department of Transportation maintains a list of interested persons who wish to receive notices of the rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding rules proposed by the Administration Division, Aeronautics Division, Highways and Engineering Division, Maintenance Division, Motor Carrier Services Division, and/or Rail, Transit and Planning Division. Such written request may be mailed or delivered to the Montana Department of Transportation, Legal Services, 2701 Prospect Ave., P.O. Box 201001, Helena, MT 59620-1001; faxed to the office at (406) 444-7206; e-mailed to lmanley@state.mt.us; or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

MONTANA TRANSPORTATION COMMISSION



Shiell Anderson, Chairperson

Nick A. Roterling

Nick A. Roterling,
Alternate Rule Reviewer

Certified to the Secretary of State September 13, 2004.

STATE OF MONTANA

TRANSPORTATION COMMISSION

(1) I, Shiell Anderson, Chairman of the Transportation Commission of the State of Montana, by virtue of and pursuant to the authority vested in me by MCA 15-70-104 do promulgate and adopt the annexed rules to wit:

NEW:	18.6.232	Commercial Electronic Variable Message Signs
	18.6.264	Illegal Outdoor Advertising Removal
AMD:	18.6.202	Definitions
	18.6.203	Unzoned Commercial or Industrial Activity
	18.6.211	Permits
	18.6.212	Permit Applications - New Sign Sites
	18.6.213	Permit Attachment
	18.6.242	Ranch and Rural Directional Signs
	18.6.245	Noncommercial Signs
	18.6.262	Sign Structures That Are Blank, Abandoned Or In Disrepair

as permanent rules of this department.

(2) This order after first being recorded in the order register of this department shall be forwarded to the secretary of state for filing.

APPROVED AND ADOPTED January 3, 2005

CERTIFIED TO THE
SECRETARY OF STATE January 3, 2005

BY: _____
Shiell Anderson, Chairman
Transportation Commission

Agenda item: 03

Staff person handling: Tim Reardon

Date/location: December 10, 2004 in Helena, MT

Item: **Commission policies**

Background

There are a few policies and guidelines that are recorded in the minutes as having been adopted by the commission, however, they were never formalized into official policy documents. At the April meeting, the commission gave approval for formalizing these minutes into policy statements.

Summary

Drafts of policy statements are attached to formalize the following past commission actions:

- In November 1985, the commission delegated authority to the department for traffic control device projects under \$50,000 needed to protect school children crossing state-maintained highways.
- On July 11, 1991 The commission delegated authority to the department to enter into contracts for equipment rental services not to exceed \$25,000 and for emergency work not to exceed \$50,000.
- On December 6, 1991, the commission gave the department blanket authority to do all hazard elimination projects up to \$50,000.
- On May 12, 1995, the commission delegated their authority to negotiate small safety contracts with cities and counties up to \$50,000 to the department.
- In October 1991, the commission reviewed a policy to govern the collection of charitable contributions on highway facilities.
- On April 6, 1995, the commission adopted a systems action policy for state designated highway systems.
- There was discussion regarding draft guidelines on funding transportation partnerships for project acceleration on March 12, 1998. The guidelines were approved April 30, 1998.
- The commission reviewed a set of guidelines for contract award on March 16, 2000. No action was requested.
- On July 17, 2003, the commission adopted guidelines for re-approving projects prior to contract award if costs increase beyond certain parameters.

Staff recommendations

Staff recommends the commission adopt the draft proposals into official policy statements.

Notes/discussion

Commission action

MONTANA TRANSPORTATION COMMISSION POLICY STATEMENT

*Adopted by the Montana Transportation Commission
during regular session on <date effective>*

Policy Number: to be assigned

Subject: Reapproving a project based on increase in scope and cost

Background

The commission approves the inclusion of all projects into the transportation program administered by the department. Projects at this stage are only generally defined. As a project is developed and more detailed information is available, there may be a significant increase in cost because of a change of scope beyond that which was originally proposed to and approved by the commission. In such cases, staff must bring that project back to the commission for reapproval.

Purpose

The purpose for this policy is to define the parameters by which the Montana Department of Transportation will bring a project back to the commission for reapproval.

Procedures

1. Any commission-approved project that experiences an increase in project cost prior to contract award as a result of an increase in the scope of work must be taken back to the Transportation Commission for their approval if the cost violates the following sliding scale:

Project cost	Percent increase in project cost
Less than \$100,000	30%
Between \$100,000 and \$500,000	25%
Between \$500,000 and \$1 million	20%
Between \$1 million and \$2 million	15%
Greater than \$2 million	10%

2. Project cost increases not meeting this test shall be considered incidental to the overall project cost and will not be presented to the Transportation Commission for their approval; rather, staff will follow the program modification procedures currently in place.

MONTANA TRANSPORTATION COMMISSION POLICY STATEMENT

*Adopted by the Montana Transportation Commission
during regular session on <date effective>*

Policy Number: to be assigned

Subject: Delegation of authority to award highway contracts

Background

State statute gives the Montana Transportation Commission the authority to award contracts for work on the highway system. Strictly speaking, this would include an equipment rental agreement for an asphalt paver to place a maintenance patch or an emergency work contract to prevent flood damage.

To request and obtain commission approval for all situations would require a substantial amount of time for department staff as well as commissioners, and could cause delays in our operations. Where projects are the result of emergencies, response time is of the essence. When these projects are warranted, the work needs to be done promptly.

According to MCA § 60-2-111 and 112, the commission may delegate its authority to award contracts to the Montana Department of Transportation (MDT).

Purpose

The purpose of this policy is to describe the types of contracts MDT has authority (delegated by the commission) to award. This will help prevent delays in department operations and make the best use of commission and staff time.

Procedure

The Montana Transportation Commission delegates authority to MDT to initiate, engineer, and submit projects for contract letting as follows:

1. Equipment rental services not to exceed \$25,000
2. Emergency work not to exceed \$50,000
3. Safety projects < \$50,000
4. Safety project agreements with cities and counties < \$50,000
5. Traffic control devices, provided all of the following conditions exist:

- a. The minor traffic control devices being installed are warranted on the basis of applicable traffic engineering criteria and standards.
- b. The devices will be installed adjacent to highways under the department's jurisdiction, or to aid in protecting school children as they cross a road.
- c. Accomplishment of the project is too urgent to allow handling of the project through the nomination/selection/execution process normally followed for larger highway projects.
- d. The estimated project cost is less than \$50,000.

The department must submit a quarterly report to the commission of all such contracts entered into.

MONTANA TRANSPORTATION COMMISSION POLICY STATEMENT

*Adopted by the Montana Transportation Commission
during regular session on <date effective>*

Policy Number: to be assigned
Subject: Contract award guidelines

Background

State law names the commission as the party responsible for letting all contracts for the construction or reconstruction of the highways and streets located on the state highway systems.

Purpose

The purpose for this policy is to outline the process by which the Montana Department of Transportation makes recommendations to the commission, and to specify the conditions under which the commission will and will not award transportation contracts.

Definitions

1. **Department** means Montana Department of Transportation
2. **Specifications** means the current edition of the Montana Standard Specifications for Road and Bridge Construction.
3. **Responsive, responsible bidder** means a licensed contractor that has provided a bid that is not materially unbalanced.
4. **Materially unbalanced** means a bid that generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the department (definition taken from 23 CFR §635.102.)
5. **Mathematically unbalanced** means a bid containing lump sum or unit bid items that do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs (definition taken from 23 CFR §635.102.)

Procedures

1. Department staff will review all bid proposals that meet specifications.
2. If the lowest responsive bid total exceeds the engineers' estimate according to the formula outlined below, department staff will prepare an analysis of the bid in comparison to the engineers' estimate for the commission's consideration.

Amount of low bid	Percent over engineers' estimate
Less than \$50,000	30%
Between \$50,00 and \$200,000	25%
Between \$200,000 and \$500,000	20%
Between \$500,000 and \$2 million	15%
Greater than \$2 million	10%

- a. Department staff may recommend the engineers' estimate be adjusted to allow for market changes, miscalculations, or other legitimate factors.
 - b. Although such an adjustment may bring the low bid within the guidelines for award of the contract, the commission reserves the right to reject the bid if there is insufficient additional funding available to cover the increased project cost.
3. The commission will award contracts to the lowest responsive, responsible bidders.
4. The commission may elect to award a bid that is outside the guidelines for award if there is sufficient justification, such as:
 - a. It is in the best public interest to award the contract.
 - b. There was adequate competition.
 - c. The project is an emergency project.
 - d. The project is small.
 - e. The project is essential.
 - f. The engineers' estimate is clearly too low.
 - g. It's unlikely that readvertising the project would result in a significantly lower bid.
 - h. A delay (from readvertising) could bring higher prices because of inflation.

Department staff will prepare a written justification to accompany any recommendation to the commission that they award a contract that is outside the guidelines for award.

5. The commission may reject any bid where there has been a violation of regulation, rule or law.
6. The commission reserves the right to reject all bids in accordance with the specifications and the proposal.

MONTANA TRANSPORTATION COMMISSION POLICY STATEMENT

*Adopted by the Montana Transportation Commission
during regular session on <date effective>*

Policy Number: to be assigned

Subject: Collection of charitable contributions on highway facilities

Background

A variety of organizations rely on charitable contributions collected from drivers stopped along Montana's streets and highways. This activity can seriously jeopardize the safety of the individuals performing the collection as well as the safety of the traveling public.

Purpose

This policy will help ensure that adequate safety measures are taken when this practice occurs, and that there is minimal disruption to traffic.

Procedures

1. Local governments may allow non-profit organizations to collect charitable contributions in the driving lanes of highways under the jurisdiction of the Montana Department of Transportation provided that:
 - a. The permanently posted speed limit in the area is 35 miles per hour or less.
 - b. The Montana Department of Transportation district office is given reasonable advance notice and a written traffic control plan detailing which special traffic control measures will be employed (e.g. signing, flagging, lane closures). The department reserves the right to require the local government to amend the plan.
 - c. The local government must ensure the approved traffic control plan is adhered to.
 - d. The number of events per year is limited.
2. The policy will be distributed to the cities and towns in Montana.

This policy reflects the discussion and decision recorded in the minutes of a October 9, 1991 meeting of the Montana Transportation Commission chaired by Dan Huestis.

Agenda item: 04

Staff person handling: Gary Larson on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **2005 – proposed highway projects (continued)**

Background

In August, the commission approved a list of future projects to be advanced to preliminary engineering. MDT would like to add the following projects to the 2005 proposed highway projects list. These projects are based on the P³ distributional analysis and were coordinated with district and pavement management section staff. The districts have nominated all rehab projects. The rail/highway safety projects for circuitry upgrades were coordinated through the traffic and safety section.

Summary

The department has addressed public involvement by placing the list of proposed projects on the Internet and sending notice of the website to recipients of the *Newsline* and to members of the general public through governmental agencies whose addresses are in our agency's mailing database. The list is consistent with funding analysis and distribution determined by the Performance Programming Process (P³) approved by the commission in October 2004.

Staff recommendations

Staff recommends the commission approve the addition of these projects to the program: \$124,000 in partial preliminary engineering (PE) through this STIP amendment. Full PE, estimated at \$30.2 million (this includes the \$124,000 in partial PE), will be programmed over the next two years.

Notes/discussion

Commission action

Agenda item: 05

Staff person handling: Gary Larson on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Proposed safety projects**

Background

Based on the crash records in the Transportation Information System for calendar years 1998-2002, the Safety Management Section identified locations with highest crash rates, severity rates, severity indices and largest number of crashes on the rural federal and state highway systems.

Recommendations for each location listed are the result of subsequent field reviews conducted by personnel from the respective district offices, safety management staff and occasionally FHWA personnel and tribal transportation planners. Where counter measures to accident trends are identified and where there is no active project, preliminary design with cost estimates are prepared, then the Safety Management Section performs benefit-cost analyses.

Cities and counties were invited to submit documentation of counter measures to local crash concentrations. Districts and enforcement agencies also submitted safety review requests. The attached list includes the projects with their general location, identified countermeasures and benefit-cost ratios.

Implementation of the recommendations will be by

- 1) utilizing STPHS funds
- 2) including the work in active construction projects
- 3) having work done by maintenance forces
- 4) having work done by other governmental agencies or
- 5) utilizing other funding sources.

The projects on this list are grouped for letting and design purposes. **Only projects with a benefit-cost ratio of 3.4 and above will be pursued since there are more projects than funding allows to be designed and built.**

Grey-toned projects on the list denote projects with costs of \$50,000 or more and benefit-cost ratios of 3.4 or above. These projects require commission approval to move forward into design. These projects were available for public comment for at least 30 days and no substantive comments were received.

Points of interest

- Note the project on Franks Lake Road, by Eureka, is on Forest Service Road #688 and will involve advancing STPHS funds to the Forest Service to address this cluster.

- Several counties have submitted sites for safety funding: Lewis & Clark, Flathead, Lincoln, Park, Ravalli, Missoula and Carbon.
- To accelerate the implementation process, with concurrence from the district administrators, small safety projects are proposed for implementation by MDT maintenance forces.

Staff recommendations

Staff recommends the commission:

- 1) approve the priority list of projects with a benefit-cost ratio of 3.34 and above and
- 2) approve the construction program for those projects with preliminary construction costs above \$50,000 and a cost-benefit ratio of 3.34 and above (projects grey-toned on the attached list).

Notes/discussion**Commission action**

Agenda item: 06

Staff person handling: Lynn Zanto on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Urban Highway System revision – Forestvale Road in Helena**

Background

The Department of Transportation, with the concurrence of the Helena Transportation Coordinating Committee (TCC), is requesting that the Montana Transportation Commission remove the non-existent Forestvale Road (U-5821) from the Urban Highway System. This proposed route begins at the intersection with Montana Avenue and extends east to Interstate 15. This route is approximately 0.5 mile in length (see attached map).

Summary

The proposed non-existent Forestvale Road (U-5821) connector between Montana Avenue and I-15 was part of the now defunct Forestvale Interchange project. It was added to the Urban Highway System in 1994 and functionally classified as a minor arterial in anticipation of a future interchange connection to I-15. The proposed route never had money programmed to it in either PE or RW phases, although now obsolete funding agreements were in place for its construction. The Record of Decision for the I-15 Corridor EIS withdrew the federal approval for access to the interstate at Forestvale. Consequently, at this time there is no expectation that the Forestvale Interchange will be constructed in the foreseeable future.

FHWA requirements for functionally classifying non-existent, or “future” roads, are that it can only be done if the roads are intended to be built within six years. The Forestvale Road (U-5821) was not built and therefore cannot be functionally classified under FHWA's criteria. And, according to state statute [MCA 60-2-126(6)], routes that are not functionally classified as urban collectors or arterials cannot be on the Urban Highway System. Consequently, the Forestvale Road (U-5821) connector no longer qualifies to be on the Urban Highway System.

MDT asked the Helena TCC for concurrence to revise the functional classification and system designation to ensure compliance with state and federal requirements. The Helena TCC concurred with this request.

Staff recommendations

Staff recommends the commission approve:

- Removing Forestvale Road between Montana Avenue and I-15 from the Urban Highway System (attachment A), and
- Dropping the urban minor arterial classification of the un-built Forestvale segment between Montana Avenue and I-15 (attachment B).

These actions are contingent on FHWA approval of the functional classification revision.

Notes/discussion

Commission action

Agenda item: 07

Staff person handling: Lynn Zanto on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Proposed Urban Highway System actions – Whitefish**

Summary

Local officials from the city of Whitefish and Flathead County have requested the removal of five routes from the Urban Highway System (see attached letter). They would like to retain the Baker Avenue/Wisconsin Avenue/East Lakeshore Drive/Big Mountain Road corridor (U-12001) as their sole urban highway route.

Background

Whitefish became an urban area with the 2000 census. The Transportation Commission approved Whitefish's routes for designation as part of the Urban Highway System on October 11, 2001. The Whitefish area's annual urban allocation is approximately \$130,000 and its federal fiscal year 2005 urban funding balance is approximately \$390,000. The local officials think the allocation is modest in comparison to needs, and to date have not advanced a project priority. Removing most roads from the urban system allows funding to be concentrated on their most important urban corridor which is U-12001: Baker Avenue/Wisconsin Avenue/East Lakeshore Drive/Big Mountain Road^(A).

According to local officials, this request is also a matter of local control. The routes requested to be removed are locally maintained so this action would return their management to the local governments. They believe local control and authority is most appropriate given the nature of these roads.

Staff recommendations

Staff recommends commission approval of Whitefish and Flathead County's request to remove five routes from their Urban Highway System as follows:

1. Baker Avenue (U-12002), from 2nd Street (N-5) to 7th Street (U-12003).
The total length of this route is 0.38 miles.
2. 7th Street (U-12003), from Karrow Avenue (U-12004) to Baker Avenue (U-12002).
The total length of this route is 0.647 miles.
3. Karrow Avenue (U-12004), from 2nd Street (N-5) to 7th Street (U-12003). The total length of this route is 0.37 miles.
4. 13th Street/Columbia Avenue/7th Street/Pine Avenue (U-12005), from Spokane Avenue (N-5) to 2nd Street (U-12006). The total length of this route is 1.081 miles.
5. 2nd Street (U-12006) from Spokane Avenue (N-5) to Pine Avenue (U-12005). The total length of this route is 0.343 miles.

^(A) This corridor is state-maintained and was on the Secondary Highway System prior to Whitefish being designated an urban area.

Notes/discussion

Commission action

Agenda item: 08

Staff person handling: Lynn Zanto on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Havre urban area priorities**

Summary

Local officials from the City of Havre and Hill County have requested a change in urban funding priorities. The change consists of directing STP-Urban funds to storm drain improvements on the US 2 Havre project instead of proceeding with their current priority, Bullhook Road/12th Ave (see attachment A).

Local rationale for not proceeding with the current priority is based on public opposition received during an April 2002 public meeting and the lack of city funding to pay for associated city infrastructure improvements necessary with construction of the project. In addition, FHWA concurrence has been received to not advance the project since the original purpose and need no longer exists. Originally, the project intended to reduce congestion on 5th Avenue. However, due to declining traffic volumes and population trends this need no longer exists. Consequently, staff agrees with not advancing the project due to changing conditions.

Background

Information regarding each project is provided below.

Bullhook Road/12th Ave – Havre [STPU 5799(7)]

The Transportation Commission approved this project, at the request of local officials, on December 9, 1999. The project includes a 1.6-mile corridor located in the southeast quadrant of Havre. Improvements, estimated at approximately \$5.7 million, involve construction of a new two-lane road with parking lanes, curb and gutter, and berms for concrete sidewalk, along with rehabilitation of the existing road along the corridor. Preliminary engineering activities include expenditures to date of \$88,161 (federal) and \$13,665 (state). Based on changed conditions and FHWA concurrence that the original need no longer exists, FHWA will not seek reimbursement of expended funds if this project is terminated.

US 2 – Havre [NH 1-6(28)381]

The Transportation Commission approved this project, nominated by the MDT Great Falls district, on December 9, 1999. The project includes approximately 2.3 miles of road within the Havre urban area, intersecting five existing Urban Highway System routes. Improvements involve reconstruction with Portland cement concrete, new curbs and sidewalks, and storm drain improvements, estimated at approximately \$17.2 million. Approximately \$14.2 million will be funded with National Highway System funds, the remaining \$3 million is a local cost responsibility related to storm drain improvements.

The estimated cost of storm drain improvements associated with this project is about \$8 million of the total project cost including mobilization, traffic control, construction engineering and contingencies. MDT and federal policies and guidelines allow for Urban Highway funds to be used on stormwater facilities as long as that water is attributable to runoff from urban routes. An engineering analysis of the estimated flow indicates that 15% is attributed to local streets, 21% is attributed to urban highways, and the remainder to US 2. Therefore, \$1.7 million of the storm drain costs could be paid with STP-Urban funds.

Havre's FFY 2004 STP-Urban funding balance is about \$2.7 million and it currently receives an annual urban funding allocation of \$205,170. Consequently, its urban funding status is adequate to support the storm drain costs of this new priority.

Additional considerations regarding the proposed priority switch relate to functional classification and system designation changes of the roadways along the proposed Bullhook corridor. These changes would be needed if the commission approves the priority change, since the Bullhook Road project would not be constructed.

Functional classification and system revision

Prior to approval of the Bullhook Rd/12th Ave project, the city of Havre and Hill County asked to functionally classify the entire corridor as an urban collector and add the entire corridor to the Urban Highway System. The local justification for doing so included the need and desire for an additional north-south connection through the urban area to relieve potential congestion on the 5th Avenue corridor and improve access to proposed subdivisions in the southeast quadrant of town and to the high school. The Transportation Commission approved both requests and FHWA approved the functional classification change on August 18, 1999.

FHWA's approval of Havre's functional classification request was based on the understanding that the 'non-existent' roadways along the corridor would be built with the Bullhook Rd/12th Ave project. FHWA requirements for functionally classifying non-existent, or what they call 'future', roadways is that it can only be done if the roadways are intended to be built within six years. Since FHWA has concurred with not advancing development of the Bullhook Rd/12th Ave project, the 'future' roadways will not be built, and therefore cannot be functionally classified under FHWA's criteria. And, according to state statute [MCA 60-2-126(6)], routes that are not functionally classified as urban collectors or arterials cannot be on the Urban Highway System. Consequently, official action to revise the functional classification and system designation of the corridor is necessary to ensure compliance with state and federal requirements. Specific considerations are illustrated on the attached map and include the following:

- Removing the Bullhook Rd/12th Ave corridor from the Urban Highway System. The corridor begins at the intersection of 5th Avenue and Dell Street proceeds east to the intersection of 12th Avenue and 18th Street, continues north along 12th Avenue from 18th Street to 8th Street, and then continues along 8th Street to the intersection with 14th Avenue.
- Reclassifying existing roadways along the Bullhook Rd/12th Ave corridor from urban collectors to local streets.

- Dropping the urban collector classification of the unbuilt segments along the Bullhook Rd/12th Ave corridor.

The city of Havre and Hill County officials have provided formal concurrence of the functional classification and system revisions detailed above contingent on commission approval of their requested change in urban priorities.

Staff recommendations

Staff recommends the commission:

- Approve the local governments' request to revise Havre STP-Urban funded priorities by removing the Bullhook Rd/12th Ave-Havre project from the program and approving the use of STP-Urban funds for eligible storm drain improvement costs associated with the US 2 – Havre project (attachment A);
- Remove the Bullhook Rd/12th Ave corridor from the Urban Highway System. The corridor begins at the intersection of 5th Avenue and Dell Street proceeds east to the intersection of 12th Avenue and 18th Street, continues north along 12th Avenue from 18th Street to 8th Street, and then continues along 8th Street to the intersection with 14th Avenue (attachment B);
- Reclassify existing roadways along the Bullhook Rd/12th Ave corridor from urban collectors to local streets (attachment C); and
- Drop the urban collector classification of the un-built segments along the Bullhook Rd/12th Ave corridor (attachment C).

The functional classification and system revisions are subject to FHWA approval of the functional classification changes.

Notes/discussion

Commission action

Agenda item: 09

Staff person handling: Gary Larson on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Railroad crossing – West of Missoula**

Background

The Missoula district has identified one railroad crossing surface for improvement. The improvement will be funded using Secondary Roads Program funds. The proposed improvement will involve removal of the existing wooden ties and tracks and installing new ties, rail and concrete surface. The site is located in Missoula County on Secondary 263, just south of its junction with S-474, at reference post 9.359.

This site is considered a stand-alone site, which means the Surface Transportation Program Secondary (STPS) funds will pay for the materials and the railroad authority will install the surface at their cost. The estimated construction cost is \$14,000 to MDT for materials only; Montana Rail Link will contribute the labor to construct the site, consistent with MDT policy.

Summary

MDT has the opportunity to partner with Montana Rail Link in improving the railroad crossing south of Frenchtown, west of Missoula. MDT would pay for the materials (approximately \$14,000) and the railroad would be responsible for construction.

Staff recommendations

Staff recommends the commission approve the addition of this project to the program.

Notes/discussion

Commission action

Agenda item: 10

Staff person handling: Gary Larson on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Increase in scope and cost to *Columbia Falls – East & West* project
NH 1-2(129)134**

Background

The *Columbia Falls – East & West* project was originally nominated for addition to the program back in 1998, but due to funding constraints it did not receive Transportation Commission approval until September 17, 2003. At the time it was identified as an overlay seal and cover pavement preservation project with an estimated cost of \$162,000.

In October of 2004 the combined preliminary field review/scope of work report and revised cost estimate were completed. As a result of a change in the scope of work the cost of the project has now escalated to \$743,000. The large increase in project cost was the result of several factors:

- 1) increasing oil prices experienced over the last several years
- 2) scope of work change, which included the addition of ADA (wheel chair ramps) and guardrail
- 3) inflation due to the lag time between nomination and commission approval

As per the commission-approved “Project Submittal Guidelines”, any project exceeding the allowable percent increase in project costs resulting from scope change must be submitted to the commission for approval. According to the guidelines, this project needs commission approval if it experiences more than a 25 percent increase in project costs; the new cost estimate well exceeds that cap.

In order to maintain a balanced program, staff in cooperation with the Missoula district, are suggesting this project be moved to the 2006 Pavement Preservation Program.

Summary

Due to the expansion of the scope of work and the resulting cost increase, this project requires commission approval as per the “Project Submittal Guidelines”.

Staff recommendations

Staff recommends the commission approve of the expanded scope of work for NH 1-2(129)134, *Columbia Falls – East & West* at an estimated cost of \$743,000.

Notes/discussion

Commission action

Agenda Item:

Staff Person Handling: Patricia Saindon

Date:

Item: Project Submittal Guidelines

Background:

In recent commission meetings there have been discussions concerning commission approval of projects, which have received approval previously. Should the commission approve all projects that have received previous commission approval but now have a change in scope and/or cost? And at what point is the change in scope and cost significant enough to warrant commission review?

The two primary elements that could be used to determine which items need Transportation Commission approval are 1) increase in project scope and 2) increase in project cost. While scope of the work is an important element in the decisions process, staff believes an increase in cost is the measurable result of scope changes. Using cost to determine which projects need to be returned to the commission for approval, we offer two solutions:

1. Guideline – Any Transportation Commission approved project that experiences and increase in project cost prior to contract award as a result of an increase in the scope of work must be taken back to the Transportation Commission for their approval if:
 - a. Projects less than \$2.0 million increase by \$100,000, or
 - b. Projects more than \$2.0 million increase by 5% or more of the original Commission approved estimate.
2. Guideline – Any Transportation Commission approved project that experiences an increase in project cost prior to contract award as a result of an increase in the scope of work must be taken back to the Transportation Commission for their approval if the cost violates the following sliding scale:

<u>PROJECT COST</u>	<u>% INCREASE IN PROJECT COST</u>
UNDER \$100,000	30%
\$100,000 – 500,000	25%
\$500,000 – 1,000,000	20%
\$1,000,000 – 2,000,000	15%
OVER \$2,000,000	10%

Project cost increases not meeting this test under either alternative shall be considered incidental to the overall project cost and will not be presented to the Transportation Commission for their approval, but rather they will be handled by following program modification procedures currently in place.

Staff Recommendations: Staff is recommending the commission approve one of the two alternative guidelines for resubmitting projects for approval.

Agenda item: 11

Staff person handling: Lynn Zanto on behalf of Sandra Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Increased funding for urban areas**

Background

This is a continuation of a discussion from the October 14, 2004 Transportation Commission meeting regarding funding adjustments related to the Congestion Mitigation & Air Quality Improvement (CMAQ) and Urban Highway programs. At this meeting, the commission approved staff investigating revisions to the Urban and CMAQ allocations in the range of \$4.1 million to include special attention to rapidly growing areas. Staff was asked to work with local governments and come back to the commission with a recommendation. During the November meeting that established the 2005 Tentative Construction Program, \$4.1 million was reserved from the overall distribution, pending the commission action.

Urban and CMAQ Funding Proposals

A proposal was presented to the urban areas on December 2. This proposal would reallocate \$4.1 million in flexible CMAQ program funds, and would continue the allocation of flexible CMAQ funds to Great Falls and Billings. Under TEA-21, the funds that are being reallocated in this proposal had been used for one-time-only programs such as the Urban Highway Pilot Improvement Program and state discretionary projects. The key elements of the proposal consist of the following new and continuing elements. If approved, these distributions will be applied to Fiscal 2005 funding distributions, and will continue through the current decennial census period.

First - NEW: \$2.6 million would be added to the existing \$8.2 million annual STP-Urban allocation. These funds would be transferred into the Urban program and distributed on a per capita basis, as are existing STP-Urban funds. This distribution will result in a 31.7% increase in STP-Urban funds for each Urban Area (See Attachment I). If the upcoming Federal-aid reauthorization act results in growth for Montana, the commission may consider passing on additional growth to the STP-Urban program.

Second - CONTINUING: \$2.4 million in flexible CMAQ funding will be used to continue to address carbon monoxide air quality issues in the designated non-attainment areas through the Montana Air & Congestion Initiative (MACI -Guaranteed Program) (See attachment II). This proposal would continue, under commission authority, the distribution of approximately \$1.2 million annually to each Billings and Great Falls. This amount would be equivalent to the federally required distribution of CMAQ funds to Missoula. The air quality in all three cities is roughly equivalent as regards carbon monoxide, but Missoula is designated and classified while Billings and Great Falls are designated but “not-classified”, which affects their direct eligibility for CMAQ funds. The MACI-Guaranteed funds will

continue to be spent for projects eligible under either STP-Urban or CMAQ requirements. Missoula will also continue to receive CMAQ funding by virtue of federal law.

Third - NEW: \$1.5 million would be directed from flexible CMAQ funds to address backlogged needs in very rapidly growing cities that have experienced greater than 15% population growth between the last two decennial censuses. These funds will be distributed based on proportionate growth between the census periods within the qualifying cities. Missoula, Bozeman, and Kalispell experienced growth rates greater than 15% between 1990 and 2000. Consistent with federal statute, these funds may be spent as if they were either STP-Urban or CMAQ, but would not be transferred to the STP-Urban program.

Also note regarding this funding proposal that the population within the census place boundary was used as opposed to the urban boundary. While this approach does not encourage sprawl, it does recognize that the infrastructure of rapidly growing cities needs additional assistance to keep up with demand. Attachment II shows the second and third elements of this proposal

Fourth – CONTINUING: Approximately \$2 million would be reserved for the MACI-Discretionary Program which will continue to provide MDT and communities with the funding necessary to proactively address air quality issues (See attachment III). Since 1998, MDT has used MACI-Discretionary funds to get ahead of the curve for CO and PM¹⁰ problems in urban and non-urban communities across Montana, including high-risk areas as well as designated nonattainment areas. The most cost beneficial projects to address these pollutants have been sweepers and flushers, intersection improvements, and signal synchronization projects. MDT would continue to use these funds to cost participate with local governments to purchase sweepers and flush trucks and also address emerging CO hot spot issues. The Commission would approve specific projects.

Attachments II and III show the breakdown of the CMAQ funding, other than the \$2.6 million that will be transferred to the STP-Urban program.

Comments from the December 2 meeting will be presented to the commission.

Summary

This funding proposal increases the urban funding allocation in all areas by over 30 percent and provides additional resources for rapid growth areas while continuing funding for air quality improvements in rural and urban areas. The proposal is within MDT's existing funding levels and therefore does not impact the core program.

Staff recommendations

Staff recommends approval of the new and continuing funding proposals as described above and presented in attachments I, II, and III.

Notes/discussion

Commission action

Agenda item: 12

Staff person handling: Lynn Zanto on behalf of Sandra S. Straehl

Date/location: December 10, 2004 in Helena, MT

Item: **Proposed Gallatin Field Airport interchange**

Background

A delegation from the City of Belgrade, Gallatin County, and the Gallatin Airport Authority will present information regarding local planning efforts for a proposed Interstate 90 interchange in the proximity of the Gallatin Field Airport.

This group has entered into a professional services agreement with Morrison-Maierle, Inc., to provide analyses of the feasibility of constructing a proposed I-90 interchange in the proximity of Gallatin Field Airport (see attached map). Both the Belgrade Area Transportation Plan, and the Greater Bozeman Area Transportation Plan 2001 Update include the proposed interchange in their respective lists of recommended major projects. The new interchange and connecting roads are estimated to cost about \$29.4 million and the local group is actively pursuing partners to contribute toward the financing package necessary for advancing this effort.

MDT Staff has made the Belgrade group aware of commission policy #13 (attached) that was approved November 22, 2002 relative to proposed additional interchanges. This group is specifically aware of the provision requiring that a proposed interchange:

“Have a sponsor willing to carry the financial and administrative burden. That sponsor must be a city or county government and would have to carry the ball as far as preparing feasibility and environmental studies, arranging the financial package, preparing the design, securing the right-of-way, and securing the access through the MDT and FHWA reviews and approvals.

And

Have a funding plan compatible with the interchange’s intended use. For example, at one extreme, an Interchange proposed to serve and enhance a private development would be financed entirely with private funds. At the other end of the spectrum would be a facility without such private benefit that might be funded from a variety of public sources. Between those extremes could be many different situations and funding plans.”

Consistent with the intent of this commission policy, MDT has been providing technical support and is developing a traffic model looking at the relative benefits of a new interchange to assist in developing a funding plan.

In this traffic modeling exercise, relative benefits to the state will be considered against other benefits to developers and local government acquired through opening up access to land.

Potential benefits to the state would be from cost savings to other transportation links in the area that are under state jurisdiction. These could be due to reductions in traffic that allow the state to avoid construction of new state routes or additional capacity, or increases to the design life of routes under state jurisdiction in the area. Inputs for land-use changes are being coordinated through a local advisory group. If the commission determines it wants to move forward in partnering on the proposed interchange, the results of this model would then be used to advise the commission on future potential cost participation.

Note: the commission has reserved \$10 annually in 2008 and 2009 for Interstate capacity and new interchanges. These funds have yet to be allocated to any specific project and the commission will have to prioritize their use. If the commission chooses to support cost participation on the proposed Belgrade Interchange, these reserved funds may provide some resources for cost participation.

A conceptual agreement is currently under development with the Belgrade group. This Memorandum of Agreement (MOA), after further work and refinement, may provide the vehicle for future state cost participation (with Commission approval). The MOA also articulates positions needed for the other areas of sponsorship needed on a new interchange for consistency with the commission policy, including: responsibility for design, responsibility for environmental review and clearances, design standards and funding responsibilities for the construction of new links to the proposed interchange, local responsibility to acquire access to the interstate, acknowledgment of FHWA and MDT approvals, etc. This conceptual Memorandum of Agreement (MOA) has been circulated to MDT and local sponsor staffs for preliminary review. The most current draft of the MOA is attached for information.

Summary

The local delegation will present information regarding its efforts related to planning and analyses of a proposed I-90 interchange in the proximity of the Gallatin Field Airport. MDT staff will report on the status of the traffic model.

Notes/discussion

Agenda item: 13

Staff person handling: Joel Marshik

Date/location: December 10, 2004 in Helena, MT

Item: **Review speed limit studies**

Background

Staff has performed traffic and engineering studies for the following:

- a. Secondary 269 rural segment – Corvallis to Stevensville
- b. US 212 – Joliet
- c. MT 59 – Miles City south

Please see the attachments for more detail.

Summary

The appropriate local government concurs with the recommendations put forth by MDT.

Staff recommendation

Staff recommends the commission approve the special speed zones as proposed.

Notes/discussion

Commission action

*Montana Department of Transportation
Helena, Montana 59620-1001*

Memorandum

To: Montana Transportation Commission

From: Joel Marshik, P.E.
Highways and Engineering Division

Date: November 15, 2004

Subject: Secondary 269 Rural Segment
Corvallis to Stevensville

- ❑ Ravalli County and the City of Stevensville have requested a reduction in the special speeds limits on Secondary 269 south of Stevensville. Local officials have voiced concerns about additional development south of Stevensville and its influence on the operation of the roadway. Area residents are also frustrated in that under the existing traffic volumes they find it difficult to access the roadway particularly in areas with limited sight distance.
- ❑ This investigation began at the south end of Stevensville and continued south 12.8 miles to the beginning of the 45 mph speed zone approaching Corvallis. Secondary 269 is a two lane rural collector with an average annual daily traffic volume that ranges between 5710 at the north end of the study area near Stevensville to 3710 south of the intersection with Secondary 370 (mp15.1).
- ❑ During a three-year period there were 165 accidents reported within the study area. The accident rate is 2.95 accidents per million vehicle miles traveled. This is above the statewide average of 1.71 accidents per million vehicle miles traveled for rural secondary highways. The general accident trend consisting of single vehicle off-road accidents is typical of that commonly associated with rural secondary highways. The vast majority of the accidents are occurring on the north end of the study area particularly along the 3-mile segment immediately south of Stevensville. This is an older segment of roadway with no shoulder area and a clear zone that is unforgiving. Conflicts with wild animals are also contributing significantly to the above average accident rate.
- ❑ The investigation results and recommendations presented to local officials supported the need to extend the existing 35 mph special speed limit south of Stevensville and introduce a new 6,650-foot 55 mph speed zone in place of a portion of the 65 mph interim speed limit. Upon reviewing the results of the investigation local officials submitted written comments requesting a 3,950-foot extension of the 45 mph speed zone to encompass the intersection with Pine Hollow Road. In forwarding local comments into Headquarters the District office also submitted written comments in support of extending the 45 mph speed limit south. Staff discussed the differences between the two recommendations and gathered the District Administrator's position on the issue. From that effort we arrived at the conclusion to withdraw our recommendations and carry the

proposal requested by local officials and supported by the District office. Attached are the comments submitted by Ravalli County officials and the Missoula District office.

- ❑ **Recommendation:** A 65 mph speed limit beginning at station 270+00, project STPS 269-1(11) (just north of Corvallis) and continuing north to station 185+00, project FAS 4-A, an approximate distance of 11.2 miles.

A 55 mph speed limit beginning at station 185+00, project FAS 4-A (3,100 feet south of the intersection with Pine Hollow Road) and continuing north to station 212+00, an approximate distance of 2,700 feet.

A 45 mph speed limit beginning at station 212+00, project FAS 4-A (200 feet south of the intersection with Boardwalk) and continuing north to station 267+00, an approximate distance of 5,500 feet.

A 35 mph speed limit beginning at station 267+00, project FAS 4-A (300 feet south of the intersection with Middle Burnt Fork Road) and continuing north to station 282+00, an approximate distance of 1,500 feet.

REPORT

This investigation is in response to requests from both Ravalli County and the city of Stevensville. Both local governing agencies have requested speed limit reductions along Secondary 269 south of Stevensville. In addition to local official requests the purpose of this investigation is also to evaluate the interim 65 mph speed limit that was set on this portion of Secondary 269.

The city of Stevensville has annexed additional property south of the intersection with Valley View Road. In addition to newly established residential developments in the outlying areas east and west of Secondary 269 the community has constructed a medical center just south of the intersection with Middle Burnt Fork Road. City officials feel that the existing 45 mph speed limit is too fast for this area of their community.

Ravalli County's concerns extend further south to the area of the intersection with Pine Hollow Road. This segment of roadway has an approved interim speed limit of 65 mph. County officials request consideration of a 45 mph speed limit to encompass the area from Stevensville south to approximate milepost 17.5. Local residents have voiced problems in accessing the roadway because of poor sight distances and the volume of traffic along the route. They feel the conflicts accessing the roadway are associated with the speed and volume of the through moving traffic. Other concerns included the agricultural based businesses that use the roadway to move machinery as well as the number of public and private approaches along the roadway.

The southern portion of the study area from Corvallis to milepost 12.2 was reconstructed under project STPS 269-1 in 1997. The typical section consists of two 12-foot travel lanes with 3-foot shoulders. North of milepost 12.2 to Stevensville the roadway was reconstructed between the years of 1939 and 1941 under projects FAS 4 A, B and C. This segment of roadway was overlaid in 1995. The typical section along this segment consists of two 12-foot travel lanes with no shoulder area.

Secondary 370 (Bell Crossing) intersects Secondary 269 at milepost 15.1. Traffic volumes (AADT) range between 3710 south of this intersection to 5710 north of the intersection.

There are two prominent horizontal curves located within the Pine Hollow area of local concern. Both of the curves have a comfortable travel speed of 55 mph. The intersection with Reimers Lane and a private approach are located on the inward side of the horizontal curve located near milepost 18.4. The horizontal alignment and vegetation within the sight triangle restrict intersection sight distance to a design speed of 25 mph. Stopping sight distance along Secondary 269 is restricted to a design of 55 mph at this curve and the curve near the intersection with Pine Hollow Road.

Beginning at Stevensville and continuing south to Reimers Lane much of the adjacent roadside is made up of individual residences situated at 200-foot to 500-foot intervals. The set back of this development varies throughout this segment. South of the intersection with Reimers Lane the residential development disperses and the roadside consists of larger tracts of agricultural land. There is still some scattered development near the roadway particularly in areas near intersections with local roads. South of the intersection with Pine Hollow Road near milepost 17.5 there is a dairy farm. This operation is located along both sides of the roadway. The remainder of the study area to the south is rural in nature with a few scattered residences. Intersections with public approaches are typically spaced at one-mile intervals. There is some additional development near the intersection with Secondary 370 and between milepost 13 and milepost 14.

Accident History

The accident history was reviewed for a three-year period from June 1, 2000 to May 31, 2003. During this period there were 165 accidents reported from the end of the 45 mph speed zone north of Corvallis to the beginning of the 45 mph speed zone approaching Stevensville. The accident rate is 2.95 accidents per million vehicle miles traveled. This is above statewide average of 1.71 accidents per million vehicle miles traveled for rural secondary routes.

The proportion of single vehicle accidents versus multiple vehicle accidents and the proportion of daytime accidents versus nighttime accidents are consistent with that commonly associated with rural secondary highways. There is an over representation of animal related accidents in that 38 percent of the accident experience along this segment involved conflicts with animals. This is twice the statewide average for rural secondary highways.

One hundred and twenty nine of the 165 accidents occurred north of milepost 12. Seventy-eight percent of the accident experience is occurring within 54 percent of the study area. The greatest concentration of accidents is along the semi-developed three-mile segment between milepost 16 and milepost 19. There were 75 accidents reported in this area.

Immediately south of Stevensville in the area of local concern the accident rate is 5.10 accidents per million vehicle miles traveled. The accident trend is daytime single vehicle accidents during favorable roadway conditions. This older segment of roadway has no shoulder area. The two previously mentioned horizontal curves are located within this segment. Sight distances are restricted. These characteristics combined with the available clear zone are unforgiving, making recovery difficult for motorists leaving the roadway.

Travel Speeds

Vehicular travel speeds were sampled directionally at seven locations within the boundaries of the interim 65 mph speed zone. The speed statistics within this speed zone are listed in the following table. Travel speed samples were also collected at three locations within the existing 45 mph speed zone just south of Stevensville. A narrative description has been provided for those speed statistics. The 45 mph speed zone begins at milepost 18.9.

<u>Milepost</u>	<u>85th percentile Speed</u>	<u>Pace of Traffic Stream</u>	<u>Percent in Pace</u>
7.0	Northbound 66 mph Southbound 65mph	55 mph – 65 mph 55 mph – 65 mph	57% 53%
10.2	Northbound 68 mph Southbound 67mph	58 mph – 68 mph 58 mph – 68 mph	50% 50%
12.1	Northbound 66 mph Southbound 64mph	55 mph – 65 mph 55 mph – 65 mph	44% 48%
15.8	Northbound 65 mph Southbound 62mph	52 mph – 62 mph 52 mph – 62 mph	48% 49%
17.5	Northbound 65 mph Southbound 63mph	52 mph – 62 mph 52 mph – 62 mph	48% 52%
<u>Milepost</u>	<u>85th percentile Speed</u>	<u>Pace of Traffic Stream</u>	<u>Percent in</u>
			<u>Pace</u>
18.3	Northbound 58 mph Southbound 59mph	46 mph – 56 mph 46 mph – 56 mph	52% 54%
18.8	Northbound 57 mph Southbound 59mph	44 mph – 54 mph 47 mph – 57 mph	54% 52%

Within the central portion of the 45 mph speed zone near the intersection with Binks Lane the 85th percentile speeds were 50 mph northbound and 52 mph southbound. The pace of the traffic stream ranged between (38 mph – 48 mph) and (41 mph – 51) mph with 55 percent to 58 percent of the traffic stream traveling within the pace. Near the intersection with Middle Burnt Fork Road approaching the city limit boundary the 85th percentile speeds were 42 mph. The pace of the traffic stream was (32 mph – 42 mph) with 49 percent to 54 percent of the traffic stream traveling within the pace. At the 45 mph to 35 mph speed limit transition the 85th percentile speeds were 36 mph northbound and 39 mph southbound. The pace of the traffic stream was (26 mph – 36 mph) and (29 mph – 39 mph) with 62 percent of the traffic stream traveling within the pace.

Conclusions and Recommendations

Traffic operation along Secondary 269 from Corvallis to Stevensville is made up of wide range of operational characteristics. There are distinct changes in the accident experience, traffic volume, roadside culture, roadway characteristics and travel speeds. The area of local concern north of milepost 17.5 is showing a definite need for improvement. The roadway features are not

consistent with the demand of traffic and the adjacent environment. Part of this demand is motorist desire to maintain rural type travel speeds.

The speed profile lends support for reductions in portions of the 45 mph and 65 mph speed zones. However, reducing the speed limit will not address roadway's operational needs or change the operation of traffic to any significant degree. Based on our evaluation we recommend extending the 35 mph speed limit south to encompass the intersection with Middle Burnt Fork Road and the medical center. The 85th percentile speeds are below the existing 45 mph speed limit and there is a change in the density and type of development south of the intersection with Middle Burnt Fork Road. As for the remainder of the 45 mph speed zone the 85th percentile speeds and the upper limit of the pace are above 45 mph.

From the end of the existing 45 mph speed zone south encompassing the horizontal curve near the intersection with Pine Hollow Road the 85th percentile speeds and the pace of the traffic stream are well below the 65 mph speed limit. Based on the travel speeds and the level of conflict experienced along this segment, a 55 mph speed limit is recommended to reflect the travel conditions. Along the remainder of the study area the 65 mph speed limit is at or within 3 mph of the 85th percentile speeds and the upper limit of the pace with typically around 50 percent of the traffic stream is traveling within the pace. The southern boundary of the proposed 55 mph speed zone has been extended approximately 1,200 feet to encompass all of the adjacent development located within this segment.

Based upon the results of this investigation we recommended the following speed limit configuration for the segment of Secondary 269 between the communities of Corvallis and Stevensville.

A 65 mph speed limit beginning at station 270+00, project STPS 269-1(11) (just north of Corvallis) and continuing north to station 185+00, project FAS 4-A, an approximate distance of 11.2 miles.

A 55 mph speed limit beginning at station 185+00, project FAS 4-A (3,100 feet south of the intersection with Pine Hollow Road) and continuing north to station 251+50, an approximate distance of 6,650 feet.

A 45 mph speed limit beginning at station 251+50, project FAS 4-A (200 feet south of the intersection with Boardwalk) and continuing north to station 267+00, an approximate distance of 1,550 feet.

A 35 mph speed limit beginning at station 267+00, project FAS 4-A (300 feet south of the intersection with Middle Burnt Fork Road) and continuing north to station 282+00, an approximate distance of 1,500 feet.

JM:DRB:TRF:S269corvtostev

attachments

cc: D.E. Williams
D.R. Bailey



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Joel Marshik, P.E. – Administrator
Highways and Engineering Division

From: Duane E. Williams, P.E.
Traffic and Safety Engineer

Date: November 15, 2004

Subject: US 212 – Joliet
Speed Limit Investigation

- ❑ Joliet City officials requested a speed limit investigation on US 212. Within their request they informed us that their business district has expanded out beyond the boundaries of the community's existing special speed limit configuration.
- ❑ This investigation encompassed the entire community. Recently, US 212 was improved under project STPP 28-2(22) in 2002. The typical section is made up of two 12-foot travel lanes with 10-foot shoulders and curb & gutter in each direction. Average annual daily traffic volume within Joliet is 2820.
- ❑ During a three-year period there were 11 accidents reported within the study area. The accident rate is 2.06 accidents per million vehicle miles traveled. This roadway's safety record indicates favorable operation particularly within the central portion of the community.
- ❑ The results of this investigation confirm that the community has grown and support the need to modify the speed limit configuration. The following recommendations were presented to and approved by local officials. Their comments are attached.
- ❑ A 55 mph speed limit beginning at station 689+00, project RF 106(15) (900' north of the intersection with Secondary 421) and continuing north to station 700+00, an approximate distance of 1,100 feet.

A 45 mph speed limit beginning at station 700+00, project RF 106(15) (500' south of the intersection with Central Avenue) and continuing north to station 710+00, an approximate distance of 1,000 feet.

A 35 mph speed limit beginning at station 710+00, project F 106(14) (200' south of the intersection with Madison Avenue) and continuing north to station 737+00, an approximate distance of 2,700 feet.

A 45 mph speed limit beginning at station 737+00, project F 106(14) (at milepost 96) and continuing north to station 747+00, project F 106(14), an approximate distance of 1,000 feet.

A 55 mph speed limit beginning at station 747+00, project F 106(14) (400' south of the intersection with Cole Creek Rd.) and continuing north to station 757+00 (just north of the curb & gutter), an approximate distance of 1,000 feet.

REPORT

This investigation was forwarded to our office in July 2003. City officials have informed us that the community of Joliet has grown. Their business district has extended out beyond the boundaries of the present speed limit configuration. They have requested that the boundaries of the existing 35 mph speed zone be extended to encompass the areas currently having a 45 mph speed limit, and the 45 mph speed zones on either end of town be relocated to encompass new development on the outer fringes of the community. The purpose of this investigation is to evaluate the present speed limit configuration in relationship to the changes in the adjacent side culture and the associated travel speeds.

The study area was reconstructed under project F 106(14) in 1974 and improved under project STPP 28-2(22) in 2002. The typical section is made up of two 12-foot travel lanes with 10-foot shoulders and curb & gutter in each direction. The roadway is basically straight and flat providing for good intersection and stopping sight distances throughout town. The 10-foot shoulders are signed to allow for only emergency on-street parallel parking. Average annual daily traffic volume within Joliet is 2820.

Secondary 421 intersects US 212 from the west in a rural environment approximately 0.4-mile south of Joliet. The adjacent roadside culture within the community is comprised of mostly residential development with intermixed commercial activity. In general the boundaries of the curb & gutter also correspond with the community boundary as defined by adjacent development. There is some development that extends south of the curb & gutter segment on the south end of town. As stated by local officials this development (mostly local businesses) does extend out beyond the boundaries of the existing special speed limit configuration on both the north and south ends of the community. In addition to the development the curb & gutter segment on the north end of town also extends out beyond the present 45 mph speed zone. There are two signed and marked school crosswalks located within the central portion of the community at the intersections with Main Street and Park Street. The "Advance School Crossing" warning signs are equipped with bouncing ball-flashing beacons.

There is a new Community Center located on the west side of US 212 on the north end of town. It serves as a Headstart Program location, community library as well as senior citizen activities on a weekly basis. The location of the Community Centers also corresponds with north side roadside development boundary on the west side of US 212.

Accident History

The accident experience was reviewed for three-year period from January 1, 2001 to December 31, 2003. During this period there were 11 accidents reported within the study area. The accident rate is 2.06 accidents per million vehicle miles traveled. For the type of operational

characteristics associated with an urban environment this accident rate is low. The following table lists the accidents types by location.

	<u>Angle</u>	<u>Rearend</u>	<u>Single Veh.</u>	<u>Other</u>
Intersection	2	2	1	0
Non-intersection	0	0	6	0

Of the 11 total accidents six of them occurred south of the intersection with Secondary 421. All six of those accidents were single vehicle in type, four of which involved conflicts with wild animals. There was one angle accident at the intersection with Secondary 421 and two multiple vehicle accidents within the central portion of the community. At the north end of town there was another animal related accident and a rearend accident.

The accident experience for the last three years indicates that traffic operation along the segment of US 212 passing through the community and its outer fringes is functioning safely. The trend in wild animal related conflicts has been previously identified and documented as an issue for the US 212 corridor. This is no direct correlation between the community and the operational characteristics associated with the community and this accident trend.

Travel Speeds

Vehicular travel speeds were sampled at nine locations to develop a speed profile through the community of Joliet. The following table lists the 85th percentile speeds and the pace of the traffic stream by location beginning near the intersection with Secondary 421 and continuing north.

<u>Location</u>	<u>85th percentile Speed</u>	<u>Pace of Traffic Stream & Percent</u>
Milepost 95 (70 mph zone)	Northbound 68 mph Southbound 65 mph	55 mph – 65 mph (39%) 52 mph – 62 mph (42%)
Reduce Speed Ahead. Sign (70 mph zone)	Northbound 59 mph Southbound 60 mph	46 mph – 56 mph (50%) 49 mph – 59 mph (50%)
70 mph to 45 mph Transition	Northbound 47 mph Southbound 50 mph	35 mph – 45 mph (62%) 38 mph – 48 mph (57%)

<u>Location</u>	<u>85th percentile Speed</u>	<u>Pace of Traffic Stream & Percent</u>
45 mph to 35 mph Transition	Northbound 39 mph Southbound 41 mph	29 mph – 39 mph (72%) 32 mph – 42 mph (67%)
Int. w/ Main Street (35 mph zone)	Northbound 34 mph Southbound 34 mph	26 mph – 36 mph (59%) 26 mph – 36 mph (63%)
35 mph to 45 mph Transition	Northbound 40 mph Southbound 37 mph	32 mph – 42 mph (63%) 26 mph – 36 mph (73%)

End of Curb & Gutter	Northbound 59 mph	46 mph – 56 mph (51%)
North End of Town	Southbound 53 mph	40 mph – 50 mph (55%)
2000' North of	Northbound 71 mph	61 mph – 71 mph (51%)
Curb & Gutter	Southbound 68 mph	55 mph – 65 mph (53%)

The speed statistics indicate that the existing 45 mph, 35 mph and 45 mph speed limits are consistent with the 85th percentile speeds and the upper limit of the pace within their respective boundaries. They also indicate motorists are adjusting their travel speeds in relationship to changes in the adjacent side culture outside the boundaries of the present speed limit configuration. The statutory 70 mph speed limit is not representative of the travel conditions between the intersection with Secondary 421 (south of Joliet) and the beginning of the 45 mph speed zone leading into the main body of the community. On the north end of Joliet the curb & gutter segment and the semi-developed roadside character also extends out beyond the boundaries of the present 45 mph speed zone. The travel speeds in this area are also below the statutory 70 mph speed limit.

Conclusions and Recommendations

The speed profile in relationship to the adjacent roadside environment lends support for modifying the existing 45 mph – 35 mph – 45 mph speed limit configuration as well as the need to introduce 55 mph speed limits on both ends of the town. The speed statistics at the transition point from one speed limit to another (i.e. 45 mph to 35 mph) typically represent the approximate midpoint between the two limits with the exception of the 45 mph to 70 mph transitions. In those areas the typical travel speeds are much closer to 45 mph than 70 mph. Based on this and the relationship between the travel speeds and the adjacent environment as well as the location of intersections and other features of significant importance to the community, we recommend the following adjustments to the existing configuration as well as the introduction of 55 mph speed zones in the transitional areas leading into town. The following proposal will result in a reduction and/or extension of the present speed limit configuration. It is also very close in matching the desires submitted by Joliet city officials.

A 55 mph speed limit beginning at station 689+00, project RF 106(15) (900' north of the intersection with Secondary 421) and continuing north to station 700+00, an approximate distance of 1,100 feet.

A 45 mph speed limit beginning at station 700+00, project RF 106(15) (500' south of the intersection with Central Avenue) and continuing north to station 710+00, an approximate distance of 1,000 feet.

A 35 mph speed limit beginning at station 710+00, project F 106(14) (200' south of the intersection with Madison Avenue) and continuing north to station 737+00, an approximate distance of 2,700 feet.

A 45 mph speed limit beginning at station 737+00, project F 106(14) (at milepost 96) and continuing north to station 747+00, project F 106(14), an approximate distance of 1,000 feet.

A 55 mph speed limit beginning at station 747+00, project F 106(14) (400' south of the intersection with Cole Creek Rd.) and continuing north to station 757+00 (just north of the curb & gutter), an approximate distance of 1,000 feet.

DEW:DRB:TRF:p28jolietcom

attachments

copies: D.E. Williams
 D.R. Bailey



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Loren Frazier, P.E. – Acting Administrator
Highways and Engineering Division

From: Duane E. Williams, P.E.
Traffic and Safety Engineer

Date: November 16, 2004

Subject: MT 59 – Miles City South
Speed Limit Investigation

- ❑ Custer County officials requested a speed limit investigation on MT 59, Miles City south. The intent of their request is to pursue a reduction in the statutory 70 mph speed limit to the intersection with Cemetery Road, approximately one mile south of Interstate 94.
- ❑ This segment of MT 59 consists of two 12-foot travel lanes separated by a 16-foot two-way-left-turn lane with 8-foot shoulders and curb & gutter in each direction. There is also right-turn lane for the intersection with Cemetery Road. Average annual daily traffic volume along this segment is 4430. The adjacent roadside is semi-developed with farm implement dealerships and other businesses.
- ❑ There were 15 accidents reported within the study area. The accident rate is 3.00 accidents per million vehicle miles traveled. The specific area of local concern is operating safely with no identified accident trends. There was an accident trend identified north of Interstate 94 at the intersection with Boutelle Road. The intersection geometrics are not favorable for trucks accessing an area used for parking. There is no correlation between the accident trend and the speed limit. The District office has been looking into this issue.
- ❑ The results of this investigation indicate that the area of concern is considerably different than that south of the intersection with Cemetery Road. In addition to the travel speeds there are also distinctions in the roadway features, traffic volumes and traffic patterns that lend support for a reduction in the 70 mph speed limit. The following 55 mph speed limit recommendation was presented to and approved by local officials. Their comments are attached.
- ❑ A 55 mph speed limit at station 85+00, project F-BRF-HES 23-1(9) (the end of the existing 45 mph speed zone) and continuing south to station 128+00, an approximate distance of 4,300 feet.

REPORT

Custer County officials have requested a reduction in the statutory 70 mph speed limit on MT 59, Miles City south from the end of the present 45 mph speed zone to the intersection with Cemetery Road. Within their request they suggested a 45 mph speed limit.

Cemetery Road (U-8006) is an extension of Strevell Avenue that intersects MT 59 approximately one mile south of Interstate 94. The portion of MT 59 under investigation consists of two 12-foot travel lanes in each direction separated by a 16-foot two-way-left-turn lane with 8-foot shoulders and curb & gutter in each direction. The typical section transitions to include a southbound right turn lane for the intersection with Cemetery Road. South of Cemetery Road the roadway consists of two 12-foot travel lanes with 4-foot shoulders in each direction. The majority of the adjacent side culture is undeveloped. There is commercial development along the roadway near the Interstate 94 Interchange as well as a farm implement dealership and a motor sports business located along the west side of the roadway within the central portion of the study area. Located across from the dealership is a machinery lot for storing equipment. Also within the study area is the intersection with Horizon Parkway. This roadway is the only access serving a large residential subdivision that is located approximately ¼ mile east of MT 59.

The average annual daily traffic volume is 4430. South of the intersection with Cemetery Road the average annual daily traffic volume drops substantially to 1300. The design speed is 60 mph. The existing 45 mph speed limit ends approximately 1,200 feet south of the Interstate 94 Interchange. The intersection with Cemetery Road is located 4,200 feet south of the existing speed limit configuration.

Accident History

The accident experience was reviewed for three-year period from January 1, 2001 to December 31, 2003. During this period there were 15 accidents reported within the study area. The accident rate is 3.00 accidents per million vehicle miles traveled. The following table lists the accident types and location.

	Angle	Rearend	Single Veh.	Other
Intersection	1	3	2	1
Non-Intersect.	2	0	1	5

Ten of the 15 total accidents occurred in the densely developed commercial area north of the Interstate 94 interchange between the intersection with Wilson Street and the westbound ramps. There is an accident trend at the intersection with Boutelle Road associated with northbound trucks turning left onto Boutelle Road. Motorists on the side approach (Boutelle Road) are backing up from the intersection in order for left-turning trucks to complete their turning maneuver. There have been four accidents reported in the last three years in which motorists have backed into another vehicle on the side approach. There is a Cenex Station located in the southwest quadrant of this intersection. Trucks are using Boutelle Road to access a truck parking lot located behind Cenex. In looking at this intersection we also identified tire marks on both of the intersections curb radii. The remaining five accidents were distributed throughout the remainder of the study area and were unrelated to one another.

Travel Speeds

Vehicular travel speeds were sampled directionally at seven locations. The following table lists the 85th percentile speeds and the pace of the traffic stream by location beginning near the intersection with Wilson Street and continuing south.

<u>Location</u>	<u>85th percentile Speed</u>	<u>Pace of Traffic Stream & Percent</u>
Wilson Street (35 mph zone)	Northbound 31 mph Southbound 32 mph	20 mph – 30 mph 61% 23 mph – 33 mph 62%
35 mph to 45 mph Transition	Northbound 44 mph Southbound 43 mph	32 mph – 42 mph 52% 32 mph – 42 mph 50%
45 mph to 70 mph Transition	Northbound 52 mph Southbound 54 mph	40 mph – 50 mph 53% 40 mph – 50 mph 54%
“Reduced Speed Ahead” Sign	Northbound 54 mph Southbound 58 mph	40 mph – 50 mph 49% 46 mph – 56 mph 47%
500’ South of Horizon Parkway	Northbound 63 mph Southbound 61 mph	52 mph – 62 mph 37% 46 mph – 56 mph 43%
Just North of Cemetery Road	Northbound 67 mph Southbound 64 mph	55 mph – 65 mph 35% 40 mph – 50 mph 31%
1500’ South of Cemetery Road	Northbound 73 mph Southbound 68 mph	61 mph – 71 mph 46% 55 mph – 65 mph 48%

The speed statistics indicate that the 35 mph and 45 mph speed limits are consistent with the 85th percentile speeds and the pace of the traffic stream within their respective boundaries. From the end of the present 45 mph speed zone to the intersection with Cemetery Road a distance of 4,200 feet, the 85th percentile speeds and the upper limit of the pace are below the statutory 70 mph speed limit. The 85th percentile speeds gradually increase from 52 mph and 54 mph at the end of the 45 mph speed zone to 64 mph and 67 near the intersection with Cemetery Road. Within the central portion of this segment the 85th percentile speeds ranged between 54 mph and 63 mph with the upper limit of the pace typically 2 mph – 4 mph below the 85th percentile speeds. This separation between the 85th percentile speeds and the upper limit of the pace increases to 14 mph in the southbound direction near the intersection with Cemetery Road. South of the intersection with Cemetery Road the 85th percentile speeds and the pace of the traffic stream are consistent with the statutory 70 mph speed limit.

Conclusions and Recommendations

The features in the area of concern from the end of the 45 mph speed zone to the intersection with Cemetery Road are considerably different from those south of Cemetery Road. In addition to a distinction in travel speeds along this segment there are definite differences in the roadway features, traffic volume and traffic patterns as well as the surrounding environment that distinguish this segment of roadway from the remainder of the route. As for conflicts this segment of roadway has functioned with only two reported accidents in the last three years.

In developing a speed profile and its relationship to the adjacent side culture and the traffic patterns we recommend the introduction of a 55 mph speed limit for MT 59, Miles City south. Based solely on the 85th percentile speeds the speed limit transition from 55 mph to 70 mph would typically be recommended somewhere between the intersection with Horizon Parkway and the intersection with Cemetery Road. However, in addition to the 85th percentile speeds, the other elements of this investigation point to the intersection with Cemetery Road as being where the true change in traffic operation takes place. There is a significant decline in the traffic volume south of both the intersection with Horizon Parkway and the intersection with Cemetery Road. The pace of the traffic stream and the proportion of the traffic stream traveling within the pace also indicate that the travel speed population within the sample along the curb & gutter segment north of Cemetery Road is skewed to the low end of the speed range. There are fewer motorists traveling within the pace in this area and the upper limit of the pace is also significantly below the 85th percentile speeds in the southbound direction. Additional uniformity in the travel speeds is desirable. From the information gathered in this investigation it is our conclusion that a proposal for a 55 mph speed limit should extend to a point just south of the intersection with Cemetery Road, as the intersection with Cemetery Road marks the boundary of where the typical rural travel condition begins to change from the influence of the Miles City urban area.

A 55 mph speed limit at station 85+00, project F-BRF-HES 23-1(9) (the end of the existing 45 mph speed zone) and continuing south to station 128+00, an approximate distance of 4,300 feet.

DEW:DRB:TRF:mt59mcprt

attachments

copies: D.E. Williams
D.R. Bailey

Agenda item: 14

Staff person handling: Joel Marshik

Date/location: December 10, 2004 in Helena, MT

Item: **Award contracts from December 2 letting**

Background

This agenda item is in lieu of the conference call scheduled for December 13 to award projects from the December 2 letting.

Summary

The invitation for bid listed the following projects:

- *Polson-East* STPP-NH 52-1(20)0
- *Safety improvements – N of Helena* STPHS 5809(19)
- *Bridger Creek – 3km NE of Bozeman* BR 86-1(25)3
- *Main Street improvements – Laurel* CM-STPU 6904(1)
- *Slide repair – NE of Hilger* STPP 43-1(21)21

Staff recommendations

Detailed recommendations will be provided following the December 2 letting.

Notes/discussion

Commission action

Agenda item: 15

Staff person handling: Joel Marshik

Date/location: December 10, 2004 in Helena, MT

Item: **US 93 – Signals – Hamilton**
Project No. SFCN 7-1(101)47; Control No. 5595

Background

The original project is located on US 93 (P-7) in Hamilton at the intersection of Ravalli and US 93 (reference post 47.05) and the intersection of Pine and US 93 (reference post 47.55). The cost estimate for the project is currently \$380,000, which includes \$45,600 for construction engineering. The project is 100 percent state-funded and is currently scheduled for letting in the summer of 2005.

The City of Hamilton and Skanska (a private corporation) contacted the Missoula district and requested a meeting to discuss the possibility of a temporary signal at the intersection of US 93 and Desta, two blocks south of Ravalli Street. An initial meeting was held on October 5, 2004 with representatives from the City of Hamilton, Skanska, and MDT in attendance. It was determined that instead of constructing a temporary signal at the intersection of US 93 and Desta, that Skanska would be willing to contribute monetarily toward a signal at Ravalli and US 93 if MDT could let the project as soon as possible.

Agreements between the City of Hamilton and MDT, as well as, Skanska and MDT have been drafted and signed by MDT on November 18, 2004, the City of Hamilton on November 24, 2004, and Skanska on November 23, 2004. The agreement between MDT and Skanska identifies their willingness to contribute \$110,000 toward the installation of a traffic signal at the intersection of US 93 & Ravalli Street.

In light of these developments, the department has prepared a set of plans and special provisions for the installation of the traffic signal at US 93 & Ravalli Street. Due to the compressed time schedule for installation, the current special provisions state the project will be awarded, after review, within one calendar day.

Summary

The department would like to split the project and let the signal at the intersection of Ravalli and US 93 via a special letting in December 2004. The estimate for phase one of the project is \$200,000, which includes 14% for construction engineering. Skanska would contribute \$110,000 to have phase one of this project constructed as soon as possible.

Staff recommendations

The project is currently being advertised and a special letting is requested for December 2004. Staff also asks the commission to delegate authority to MDT's chief engineer to award the first construction phase of this contract.

Notes/discussion

Commission action

Agenda item: 16

Staff person handling: John Blacker

Date/location: December 10, 2004 in Helena, MT

Item: **Assessment of contract time and liquidated damages on maintenance contract
HWY 306810-RR**

Background

Kerry Grey of Highway Specialties, Inc. (HSI) has requested an appearance before the commission to appeal the department's decision to deny their request for relief from the contract time and liquidated damages assessment on this project. Please refer to the packet of information previously sent to each of the commissioners by HSI.

Summary

Highway Specialties believes that the liquidated damage assessment is inordinate and unreasonable.

Staff recommendations

The department's position has been iterated in correspondence with HIS.

Notes/discussion

Commission action

Agenda item: 17

Staff person handling: Joel Marshik

Date/location: December 10, 2004 in Helena, MT

Item: **Letting lists**

Background

Staff will distribute the most current lists of upcoming projects slated for advertisement and bid letting.

Staff recommendation

Staff recommends approval of the letting lists.

Notes/discussion

Commission action

Agenda item: 18

Staff person handling: Joel Marshik

Date/location: December 10, 2004 in Helena, MT

Item: **Certificates of completion**

Background

Attached are certificates of completion for September and October of 2004.

Summary

<i>Month</i>	<i>Original contract amount (monthly total)</i>	<i>Final payment amount (monthly total)</i>
September 2004	\$32,311,404	\$33,525,138
October 2004	\$2,295,377	\$2,177,678
<i>Total</i>	\$34,606,781	\$35,702,816

Staff recommendation

Staff recommends approval.

Notes/discussion

Commission action

Agenda item: 19

Staff person handling: Joel Marshik

Date/location: December 10, 2004 in Helena, MT

Item: **Work/change orders**

Background

Attached are change orders for September and October 2004.

Summary

<i>Month</i>	<i>Total</i>
September 2004	\$501,273.52
October 2004	\$416,468.37
	\$917,741.89

Staff recommendation

Staff recommends approval.

Notes/discussion

Commission action

Agenda item: 20

Staff person handling: Dave Galt

Date/location: December 10, 2004 in Helena, MT

Item: **Commission discussion**

Discussion items

- *Revocation hearing for a motor carrier*
In compliance with the process previously approved by the commission, Big Sky House Moving LLC of Helena, Montana was formally notified on November 3, 2004 of the decision to revoke permit privileges for cause. Further, Big Sky was advised of the right to appeal this decision. Big Sky has advised that it wishes to exercise the right of appeal. On behalf of the commission, a permit revocation hearings officer will be secured for this purpose.
- *Update on tribal relations committee*
- *Proposed policy options for special naming of highways and associated facilities*
Please see attached document.

Proposed Commission Policy Options for Special Naming of Highways and Bridges
December 10, 2004

Background:

Local officials, legislators, organizations, and family members of well-known figures often approach MDT and the Transportation Commission with requests to assign special names to highways or bridges in recognition of a person, group, or event. In the past, MDT and the Commission have dealt with these requests on a case-by-case basis. However, in recognition of the need for a consistent policy to guide MDT and potential sponsors of future requests, MDT has developed several policy options for consideration by the Commission based on information from other states and staff input. If the Commission decides to move forward with a policy, staff will prepare the policy for official action.

Options:

- A. The Commission will not name routes or bridges and will defer naming decisions (other than for scenic byways) to the Legislature.
- B. The Commission will consider special names based on the following alternatives:
 - I. Maintain the current ad hoc practice, which usually requires support from a sponsor and/or local government and a commitment to bear the costs of any signs.
 - II. Require higher level of review and approval by the Commission. Some or all of the following requirements may be included in a Commission policy.
 - a. Two-Tier approval process to ensure adequate public notice.
 - 1. Presentation at one commission meeting with provisional action.
 - 2. Final action next meeting after notification in area newspapers.
 - b. Sponsor must submit explanation of reasons special name is justified and describe extent of the request (i.e. corridor, bridge, rest area, etc.)
 - c. Person, group, or event being honored must be of regional, state, or national importance. Documentation of this assertion should be included for Commission consideration.
 - d. Sponsor must document support for proposed name by all local and tribal governments in the area, and put notices in area newspapers that describe the proposal and asks people to provide comments to MDT.
 - e. If proposed name is related to historical figure or event, MDT's historian and the Montana Historical Society must review and approve the request.
 - f. Sponsor must pay for signs (MDT will install and maintain due to safety issues).
 - g. Commission approval is contingent upon MDT's approval of a signing plan consistent with MUTCD and MDT past practices.
 - h. Commission approval of special names does not automatically mean the name will appear on the Official Montana Highway Map since these decisions are subject to other requirements and direction
- C. Other – to be discussed.

Agenda item: 22

Staff person handling: Dave Galt

Date/location: December 10, 2004 in Helena, MT

Item: **Schedule next commission meeting**

January 2005

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February 2005

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March 2005

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2005

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2005

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June 2005

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July 2005

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August 2005

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2005

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2005

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2005

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2005

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31